

OVERVIEW AND SCRUTINY BOARD

A meeting of **Overview and Scrutiny Board** will be held on

Wednesday, 21 November 2012

commencing at **5.30 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Thomas (J) (Chairman)

Councillor Barnby	Councillor Kingscote
Councillor Bent	Councillor Pentney
Councillor Darling (Vice-Chair)	Councillor Stockman
Councillor Hill	Councillor Pountney

Co-opted Members of the Board

Penny Burnside, Diocese of Exeter

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

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01803 207014

Email: scrutiny@torbay.gov.uk

OVERVIEW AND SCRUTINY BOARD AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 2)
To confirm as a correct record the minutes of the meetings of the Board held on 30 October 2012.
3. **Declarations of Interest**
 - a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
5. **Council Tax Support Scheme** (Pages 3 - 71)
To consider the draft Council Tax Support Scheme including the associated Equalities Impact Assessment and the results from the consultation exercise.
6. **Allocations Policy and Local Tenancy Strategy** (Pages 72 - 108)
To consider the draft Allocations Policy and Local Tenancy Strategy and the associated Equalities Impact Assessment.



Minutes of the Overview and Scrutiny Board

30 October 2012

-: Present :-

Councillor Thomas (J) (Chairman)

Councillors Barnby, Bent, Darling (Vice-Chair), Hill, Hytche, Pentney,
Pountney and Stockman

(Also in attendance: The Mayor and Councillors Excell, Davies, Doggett, Faulkner (A),
Lewis, Morey, Parrott, Scouler and Thomas (D))

28. Apologies

An apology for absence was received from Penny Burnside.

29. Committee Membership

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended by including Councillor Hytche in place of Councillor Kingscote.

30. Granting of a Long Lease for the Occombe House Site

The Board considered the details of a call-in by five Members of the Council of the decision by the Mayor to, amongst other things, authorise the Executive Head of Commercial Services to permit the assignment of the current lease relating to Occombe House and Fairwinds Day Centre to the chosen service provider of Torbay and Southern Devon Health and Care NHS Trust.

The Call-in Promoter (Councillor Faulkner (A)) set out the reasons for calling-in the decision and each of the Call-in Supporters also addressed the Board about their concerns regarding the decision.

The Mayor and Executive Lead for Adult Social Care and Older People responded to the points raised by both the Call-in Promoter and Supporters and the Members of the Board including:

- Torbay and Southern Devon Health and Care NHS Trust had been working in partnership with the families and carers of the Occombe residents to identify a suitable alternative provider who will develop supported living arrangements for the residents on the Occombe site. All meetings with potential future providers had had family and staff representation and this would continue throughout the process.

- It was expected that the contract would be let by the end of November 2012.
- It was anticipated that, if a preferred bidder can be identified by the end of 2012 and planning permission is granted for the development of the site by South Hams District Council, the supported living accommodation could be complete within 12-15 months.

Resolved: that no further action be taken.

Chairman



Helping you cope with the changes to Council Tax Benefit

Consultation Feedback

October 2012

Survey Results (pages 2 – 22)

Stakeholder Event Feedback (pages 23 – 29)



Helping you cope with the changes to Council Tax Benefit

Survey Results

October 2012

This consultation was open between 6 August and 5 October 2012

Method	Number of questionnaires returned	Percent of questionnaires returned
Paper	325	52.3
Online	297	47.7
Total	622	100.0%

- 16.8% of questionnaires distributed via Libraries and Connections were returned.
- 8.7% of questionnaires distributed by post to Council Tax payers and claimants were returned.

1. Introduction

As part of the Government's welfare reforms, Council Tax Benefit is being removed and Torbay Council like all councils will have to design a local scheme called Council Tax Support. This will affect all people of working age who currently receive Council Tax Benefit. Pensioners will have a Council Tax Support Scheme set nationally and so will not be affected by changes to the local scheme.

At the same time as this, the Government will be reducing the amount of money it provides councils to support local Council Tax Support schemes. As a result there will be a smaller pot of money to support customers who have been receiving this benefit. Torbay Council has to consider how we can design a local scheme that is as fair as possible to those people who are affected. This means we have to make some difficult decisions about who gets financial support and how much we can afford to give them. All working age customers who currently receive Council Tax Benefit will be affected by these proposals. However, there will be a small fund available to assist customers who are experiencing exceptional financial hardship.

The questionnaire was designed to ask the views of those people in receipt of Council Tax Benefit as well as those who are not on the Council's draft proposals for a Council Tax Scheme.

2. Methodology

Questionnaires were made available online and were distributed through libraries and Connections offices. Over 9,000 council tax benefit claimants were notified of the consultation by post and an additional 1,068 copies of the questionnaire were sent to claimants and Council Tax payers by post.

Members of the Council's ViewPoint Panel and the Stakeholder database were emailed to notify them of the consultation. During the final two weeks Customer Service Advisors actively approached members of the public in Connections offices to complete the questionnaire.

The profile of respondents to this survey is as follows:

- Most respondents are aged between 35 and 64 (69%)
- Nearly half of respondents are employed (43.8%)
- A tenth are unemployed (11.5%)
- Just under a third of respondents said they have a disability (29.8%)
- Nearly all the respondents were responding as a resident of Torbay (96.5%)
- Just over half of respondents were currently in receipt of Council Tax Benefit at the time of completing the questionnaire (52.4%).

3. Summary of results

Proposal One: Everyone should pay something towards their Council Tax

- 56.1% agree with the proposal that everyone should pay something towards Council Tax
- 44.7% agreed that everyone of working age should pay at least 25% of their Council Tax bill, while 43.2% disagreed.
- Nearly half (46.1%) of respondents said they would be affected by the proposal.

Proposal Two: Limiting the amount of Council Tax Support for working age people to a Band D charge

- 59.8% of respondents agreed that people who live in higher band properties and claim Council Tax Benefit should pay more.
- 54.5% of respondents agreed that Council Tax Support should be capped to the level of Band D.
- Most respondents (85.2%) said they would not be affected by the proposal.

Proposal Three: Reduce the savings limit from £16,000 to £6,000 for working-age people

- 47.5% of respondents agreed with the proposal that Council Tax Support should not be paid to people with savings.
- 44.8% of respondents agreed with reducing the savings limit to £6,000 from £16,000, while 42.1% disagreed.
- Nearly all respondents (93.9%) said they would not be affected by this proposal.

Proposal Four: Removing the Second Adult Rebate

- 44% of respondents agreed with removing the Second Adult Rebate, while 32.9% disagreed with this proposal.
- Nearly all respondents (92.1%) would not be affected by this proposal.

4. Results

4.1 Proposal One: Everyone should pay something towards their Council Tax

Under the new scheme everyone of working age who gets Council Tax Benefit would have to pay at least 25% towards their Council Tax bill. This means that the maximum amount of Council Tax Benefit that can be claimed is reduced from 100% to 75%.

Q1a) How strongly do you agree or disagree that all working age people should pay something towards their Council Tax?

	Number	Percent
Strongly agree	168	27.3
Agree	177	28.8
Total Strongly agree or agree	345	56.1
Neither agree nor disagree	61	9.9
Disagree	80	13.0
Strongly disagree	129	21.0
Total Disagree or strongly disagree	209	34.0
Total	615	100.0%

Q1b) How strongly do you agree or disagree that all working age people should pay at least 25% of their Council Tax bill?

	Number	Percent
Strongly agree	130	21.2
Agree	144	23.5
Total strongly agree or agree	274	44.7
Neither agree nor disagree	74	12.1
Disagree	113	18.4
Strongly disagree	152	24.8
Total disagree or strongly disagree	265	43.2
Total	613	100.0%

Percent of respondents who agree or disagree that all working age people should pay at least 25% of their Council Tax bill split by Council Tax Benefit claimants.

	Currently receive Council Tax Benefit					
	Yes		No		Don't know	
	Number	Percent	Number	Percent	Number	Percent
Strongly agree	22	7.0	99	37.9	6	26.1
Agree	58	18.5	76	29.1	5	21.7
Neither agree nor disagree	51	16.2	15	5.7	5	21.7
Disagree	71	22.6	34	13.0	6	26.1
Strongly disagree	112	35.7	37	14.2	1	4.3

Total	314	100.0%	261	100.0%	23	100.0%
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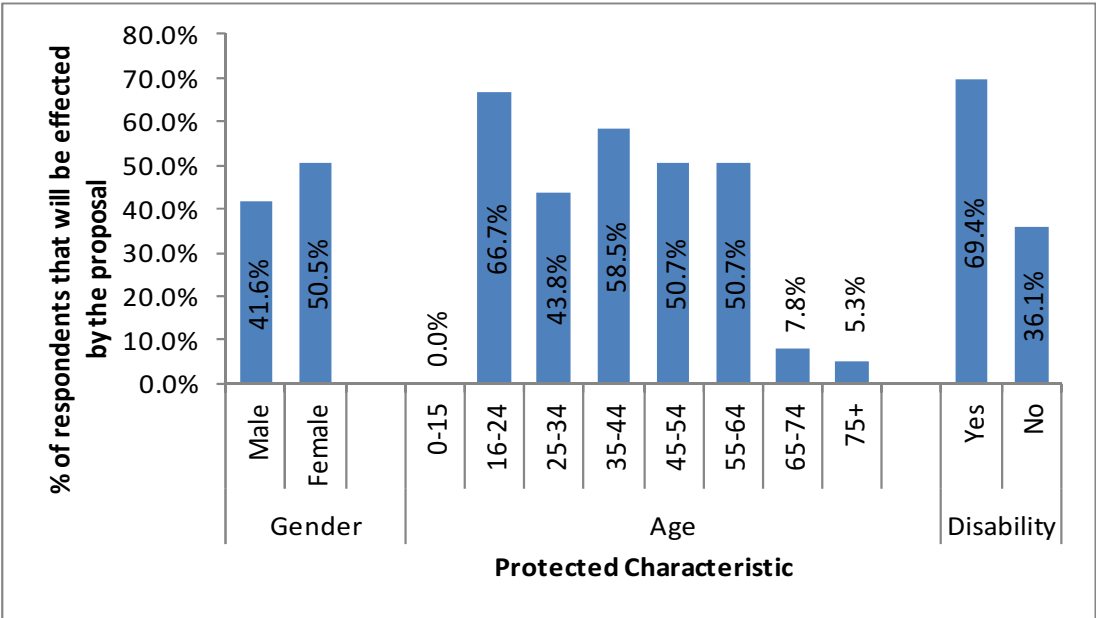
Q1c) Would this proposal have an effect on your household?

	Number	Percent
Yes	277	46.1%
No	324	53.9%
Total	569	100.0%

Figure 1 below shows the percent of respondents with protected characteristics who will be affected by the proposal:

- 69.4% of people with disabilities said they will be affected by the proposal
- Two thirds of people aged 16-24 say they will be affected by this proposal

Figure 1: Percent of respondents with protected characteristics who will be affected if everyone paid something towards their Council Tax



Those respondents who said this proposal would have an effect on their household were asked to say what they felt this would be. Most respondents said that under this proposal they would have to **pay something or more towards** their council tax. For many of these they outlined they would be **worse off** because of this specific proposal as they were currently on **low incomes / wages**. Most significant was the concern raised by respondents who have a **disability** or are **carers** and their ability to pay the increase as they are unable to work.

While the majority of respondents outlined a negative impact on their household, a very small number appreciated that all people should contribute, although this should be means tested:

“However, I do feel a contribution should be made but I think an assessment of whether people can pay the 25% is achievable!”

“Pay something is OK but Council Tax is too high”

“Maybe a lesser contribution – 10 – 15% could be considered”

Key issues with examples of comments regarding proposal one are outlined in the table below:

	Comments made by respondents
Disability and concern about affording more	<p><i>"Being disabled and on a fixed income this would reduce the amount available for food and heating and lighting. Which being unable to add income through work would possibly put mine and other disabled people's health even more at risk"</i></p> <p><i>"I am a disabled person under 65 and am unable to work and my partner can only work part time as she has to care for me, we only just exist as it is"</i></p> <p><i>"I am disabled and unable to work, in receipt of DLA and Employment Support Allowance support group. With a limited income how am I expected to suddenly be able to afford 25% of my Council Tax bill..."</i></p> <p><i>"I am disabled on benefits not by my choice, having to pay my Council Tax would cause me a lot of problems with my finances"</i></p>
Struggle to pay	<p><i>"With the increase of all other utility bills ... to add yet another bill to this most certainly have a negative impact on the already stretched household budget"</i></p> <p><i>"I am on income support ... the reduction on Housing Benefit has made money tight, I do not think I could find the money to pay"</i></p> <p><i>"I am on a very limited budget I'm not going to be able to afford to pay more at this rate with cuts to Housing Benefit..."</i></p>
Current benefits only cover cost of living	<p><i>"As far as I was aware the money we receive is the correct amount we need to live on, so how would we have enough to pay for anymore expense."</i></p> <p><i>"Currently receive full Council Tax Benefit worried about the effect it will have on minimal income (also on income support) as this is the bare minimum the government says we can live on but struggle in these economic times to keep on top of bills and feed my children. However I do feel a contribution should be made but I think an assessment of whether people can pay the 25% is achievable"</i></p>
Need to make choices about bills	<p><i>"Finding the money would be difficult probably having to reduce food, electric and heating."</i></p> <p><i>"I would not be able to pay all the bills coming in, I would have to see which ones I will pay each month"</i></p> <p><i>"...I would not be able to pay anything towards this without going without food or utilities"</i></p> <p><i>"If I had to pay towards Council Tax I would find it hard to pay my other bills and buy food"</i></p>
Financial hardship and debt	<p><i>"We currently receive Council Tax Benefit and feel that paying 25% on top of the amount we already pay would leave us struggling financially."</i></p> <p><i>"Not enough money coming in. Food costs more. Utilities cost more paying towards council tax in my situation will mean being more into overdraft and debt"</i></p>
Caring responsibilities	<p><i>"I am a carer for my disabled son...I would have to use my child's DLA to make ends meet rather than on him which I think is wrong"</i></p> <p><i>"I am a full time carer for my daughter with disability and unable to work, life is a struggle coping with her needs as well as finances this would make life even more difficult and care needs for her would be affected"</i></p>

Q1d) Do you have any comments about Proposal One?

There were a wide variety of comments in relation to this proposal and divided opinion. Some views which were put forward in answer to 1c were replicated especially in relation to the **struggle** for people on **low incomes** and their **ability to find this money** and pay. However, there was also some **agreement** for this proposal and scheme with a common view that **everyone should contribute**.

The table below highlights the key issues / themes identified in the responses to this question:

	Comments made by respondents
25% is high – consider another amount / based on ability to pay	<p><i>“25% is quite a lot, surely a starting point of say 10% would be better”</i></p> <p><i>“Council tax should be based on the ability to pay. All working should pay something but it should be related to income”</i></p> <p><i>“Everybody’s case should be assessed on an individual basis”</i></p> <p><i>“It should be means tested for those on a low income”</i></p> <p><i>“It should be dependent on personal / household circumstances. Not just across the board for everyone”</i></p> <p><i>“If it had to be this proposal, would be OK with 10%-15%, but not 25%”</i></p> <p><i>“I agree in principle everybody should pay something towards their Council Tax bill but 25% is an unrealistic amount for working age people in receipt of benefits”</i></p> <p><i>“I feel that the level of contribution should be based on circumstance between 10% and 25% and not a flat rate for all.”</i></p>
Everyone should pay something	<p><i>“Everybody should pay something towards council tax. They use the services provided by council so they should pay”</i></p> <p><i>“Everyone-including pensioners, should make some contribution”</i></p> <p><i>“Pay at least 25% agree!”</i></p> <p><i>“Everybody benefits from the services so why should they not contribute a small amount”</i></p> <p><i>“Everyone should contribute something – these people are usually using more services than most”</i></p> <p><i>“I work and pay 100% of my bill, so should everyone else who works”</i></p> <p><i>“The pain should be borne by all so pensioners should be included”</i></p> <p><i>“Most people on benefits seem to be better off than working people! They could contribute a little at least.”</i></p>
People will struggle to pay / can’t afford	<p><i>“I possibly do think that everyone should pay something towards their council tax, but I just don’t see where people will find the extra money”</i></p> <p><i>“It would be impossible for families to find the money”</i></p> <p><i>“Maybe not for people on JSA as it is hard enough for them to make ends meet let alone having to find money for Council Tax”</i></p> <p><i>“Not everyone can afford this”</i></p> <p><i>“Means tested benefits are set at the minimum necessary to survive and will not allow for such a dramatic increase in living expenses”</i></p> <p><i>“This is going to cause an awful lot more stress and financial hardship to those of us who already struggle to make ends meet.”</i></p>

<p>Protection for most vulnerable</p>	<p><i>“Only those with severe physical or mental problems should be totally exempt”</i></p> <p><i>“Along with pensioners, I wonder if vulnerable adults and their carers are to be protected?”</i></p> <p><i>“Disabled and carers should be exempt if unable to get any other income than state benefits”</i></p> <p><i>“People of working age with disabilities should not have to pay any Council Tax”</i></p> <p><i>“I agree that working age should pay Council Tax. But not those who, through no fault of their own, cannot either get a job or are on the sick. Those are the poorest people in the country and it’s not right to further hit them with extra charges.”</i></p>
<p>Proposal hitting those on low incomes</p>	<p><i>“Cuts will only affect the poor”</i></p> <p><i>“This would make the poorest even poorer”</i></p> <p><i>“How are people on very low incomes going to pay for this?”</i></p> <p><i>“I think this proposal is unfair on the unemployed and low incomes.”</i></p>

4.2 Proposal Two: Limiting the amount of Council Tax Support for working age people to a Band D charge

Currently there are no restrictions on the amount of Council Tax Benefit that can be paid. This means that a person on a low income could get all their Council Tax paid even if they live in a large house with a high Council Tax band. The lowest band is A, with the highest being H. Proposal Two would limit this to the Band D charge, which is the average band. So, if you live in a Band E, F, G or H property, we would reduce your Council Tax Support to that of a Band D householder.

Q2a) How strongly do you agree or disagree that working age people living in properties with a higher Council Tax charge who currently receive Council Tax Benefit should pay more?

	Number	Percent
Strongly agree	175	28.8
Agree	188	31.0
Total strongly agree or agree	363	59.8
Neither agree nor disagree	88	14.5
Disagree	88	14.5
Strongly disagree	68	11.2
Total disagree or strongly disagree	156	25.7
Total	607	100.0%

Q2b) How strongly do you agree or disagree with us limiting the amount of Council Tax Support to a Band D charge for working age people?

	Number	Percent
Strongly agree	150	24.9
Agree	178	29.6
Total strongly agree or agree	328	54.5
Neither agree nor disagree	117	19.4
Disagree	80	13.3
Strongly disagree	77	12.8
Total disagree or strongly disagree	157	26.1
Total	602	100.0%

Percent of respondents who agree or disagree with limiting the amount of Council Tax Support to a Band D charge for working age people by Council Tax Benefit claimants.

	Currently receive Council Tax Benefit					
	Yes		No		Don't know	
	Number	Percent	Number	Percent	Number	Percent
Strongly agree	48	15.6	98	38.0	2	8.7
Agree	89	29.0	82	31.8	4	17.4
Neither agree nor disagree	71	23.1	30	11.6	10	43.5
Disagree	42	13.7	32	12.4	5	21.7
Strongly disagree	57	18.6	16	6.2	2	8.7
Total	307	100.0%	258	100.0%	23	100.0%

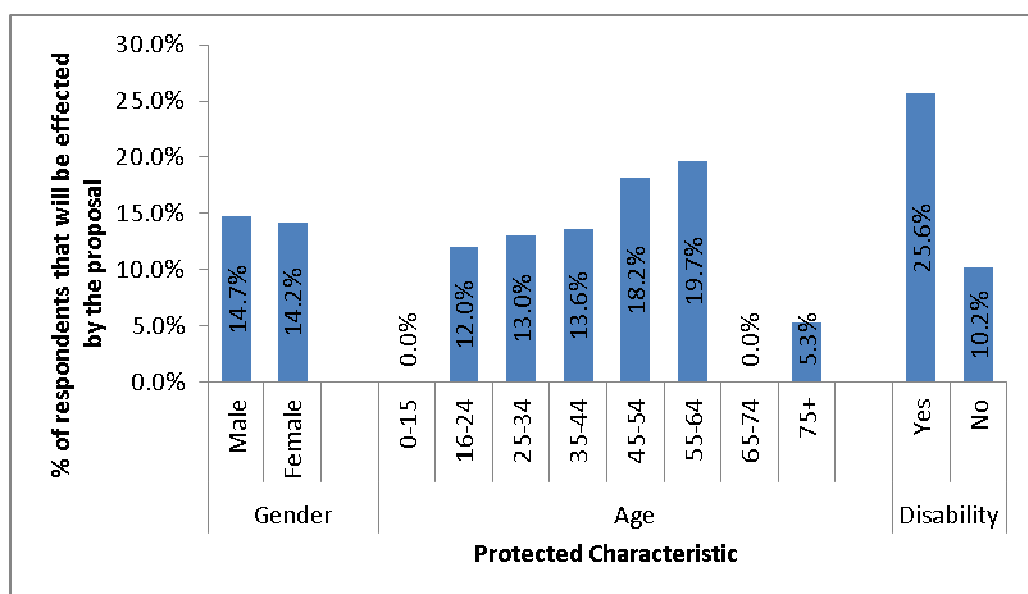
Q2c) Would this proposal have an effect on your household?

	Number	Percent
Yes	84	14.8
No	485	85.2
Total	569	100.0%

Figure 2 below shows the percent of respondents with protected groups who will be affected by the proposal:

- 25% of people with disabilities said they are likely to be affected by this proposal
- People aged 45 and above were more likely to say they will be affected by this proposal

Figure 2: Percent of respondents with protected characteristics who would be affected if the amount of Council Tax Support for working age people was limited to a Band D charge.



Those respondents who said this proposal would have an effect on their household were asked to say what they felt this would be. The main themes identified from respondents in relation to this proposal were **higher costs** to pay and concern this proposal would cause them **greater hardship** and **may have to move**.

Key issues with examples of comments regarding proposal one are outlined in the below:

	Comments made by respondents
Find it difficult to pay / cannot afford	<p><i>"Do not know if we would be able to afford it"</i></p> <p><i>"I would suffer greater hardship"</i></p> <p><i>"I do not have any spare money to now pay council tax!"</i></p> <p><i>"I'm struggling to pay my normal household bills already this is going to put pressure on our family now"</i></p> <p><i>"Less money to pay for everyday essentials and bills"</i></p>
Would have to move	<p><i>"I own my house ...and unable to work and in receipt of disability. My home and garden act as my therapy so I need to keep it but this could mean I have to sell"</i></p> <p><i>"I am disabled and already cannot afford to live...I own my own house so get no housing benefit so this rise would cripple me putting me into rented accommodation"</i></p>

Q2d) Do you have any comments about Proposal Two?

Similar to question 1d, there were a wide variety of comments in relation to this proposal and divided opinion. Many respondents felt that this was a **fair** proposal and that people who would be affected **should make choices** about their ability to afford a home with a higher council tax banding.

Some respondents however, highlighted their concern that some families and people with a disability **need larger properties**, they may be on **low incomes** and not able to afford a contribution towards their Council Tax, potentially creating financial hardship for that household. Within the responses to this question, some respondents felt that the council needed to offer support to those affected.

There was an acknowledgement within the responses that people's **circumstances change** i.e. people get made redundant and that support should be available to these households.

The table below highlights the key issues / themes identified in the responses to this question:

	Comments made by respondents
Should depend on circumstances	<p><i>"This proposal does not take into account individual circumstances"</i></p> <p><i>"It really depends on the amount of money coming into the higher band home. If the occupier can afford to pay something towards their council tax then they should"</i></p> <p><i>"I think consideration should be given to each individual's situation. Just because you live in an expensive property does not mean you have lots of money."</i></p>

<p>Based on income not property</p>	<p><i>“Ability to pay has to be related to income not the value of the property”</i></p> <p><i>“Accurate and fair means testing would give a result which was based on disposable income irrespective of house size”</i></p> <p><i>“it cannot be assumed that because someone is living in a higher banded property they have higher disposable incomes”</i></p> <p><i>“to expect a low income household to pay more because they’re living in a higher banded property is not fair. It is not a true reflection of their circumstances, and will only make their hardship much worse”</i></p>
<p>Find it difficult to pay</p>	<p><i>“How are people on minimum wage supposed to find this money?”</i></p> <p><i>“For some larger families living in larger accommodation and in receipt of benefits this will be unmanageable”</i></p> <p><i>“How do you expect anyone to suddenly find an extra £1400 a year when there is no work and no chance of getting any”</i></p> <p><i>“If you are on a low income it simply doesn’t matter where you live. You simply have no spare money”</i></p> <p><i>“More people will be pushed into debt”</i></p> <p><i>“Non-working people on benefits would be badly affected and so would disabled people who might through no fault of their own be living in higher banded properties. The band of property does not mean that a person has more income with which to pay”</i></p>
<p>If people live in a larger property, they can afford their Council Tax bill</p>	<p><i>“Someone who lives in a larger property also should make the choice to live only in housing they can afford”</i></p> <p><i>“Bigger the house the more you pay, seems fair”</i></p> <p><i>“Don’t live in a house if you can’t afford the overheads”</i></p> <p><i>“If they can live in these expensive properties then they should be able to pay council tax”</i></p>
<p>People could move</p>	<p><i>“People could be encouraged to move into cheaper properties”</i></p> <p><i>“I would prefer those people in the higher band houses pay the full Council Tax, if they can’t afford it get a smaller house”</i></p> <p><i>“People in larger houses should downsize if they cannot afford to pay the rated the house requires”</i></p>
<p>Alternative options</p>	<p><i>“Perhaps a reducing amount should be introduced over a period of time to enable people to find work or move”</i></p> <p><i>“You should consider paying full Council Tax Benefit, but for a limited period, to give occupiers a chance to either sell the property and downsize or to find another job”</i></p> <p><i>“I think the full amount should be paid for the first 6 months and then it gets reduced by a percentage or in accordance with the band d”</i></p>
<p>Support Council should offer</p>	<p><i>“If you are going to do this you should offer to support people by re-housing them into suitable council tax banded house”</i></p> <p><i>“This would be potentially acceptable if there is an active scheme in operation by the council to help persons in genuine need move to a lower taxed property”</i></p> <p><i>“The council or housing associations should help them find properties if they have too much space”</i></p>

4.3 Proposal Three: Reduce the savings limit from £16,000 to £6,000 for working-age people

At present, a person is not entitled to Council Tax Benefit when their savings and investments are more than £16,000. This would include savings of a partner who lives in the same household. Under this proposal working age people with savings and investments worth more than £6,000 would not be entitled to any Council Tax Support.

Q3a) How strongly do you agree or disagree that Council Tax Support should not be paid to people with some savings or investments?

	Number	Percent
Strongly agree	125	20.9
Agree	159	26.6
Total Strongly agree or agree	284	47.5
Neither agree nor disagree	99	16.6
Disagree	129	21.6
Strongly disagree	86	14.4
Total Disagree or strongly disagree	215	36.0
Total	598	100.0%

Q3b) How strongly do you agree or disagree with reducing the savings limit from £16,000 to £6,000?

	Number	Percent
Strongly agree	125	21.0
Agree	142	23.8
Total Strongly agree or agree	267	44.8
Neither agree nor disagree	78	13.1
Disagree	132	22.1
Strongly disagree	119	20.0
Total Disagree or strongly disagree	251	42.1
Total	596	100.0%

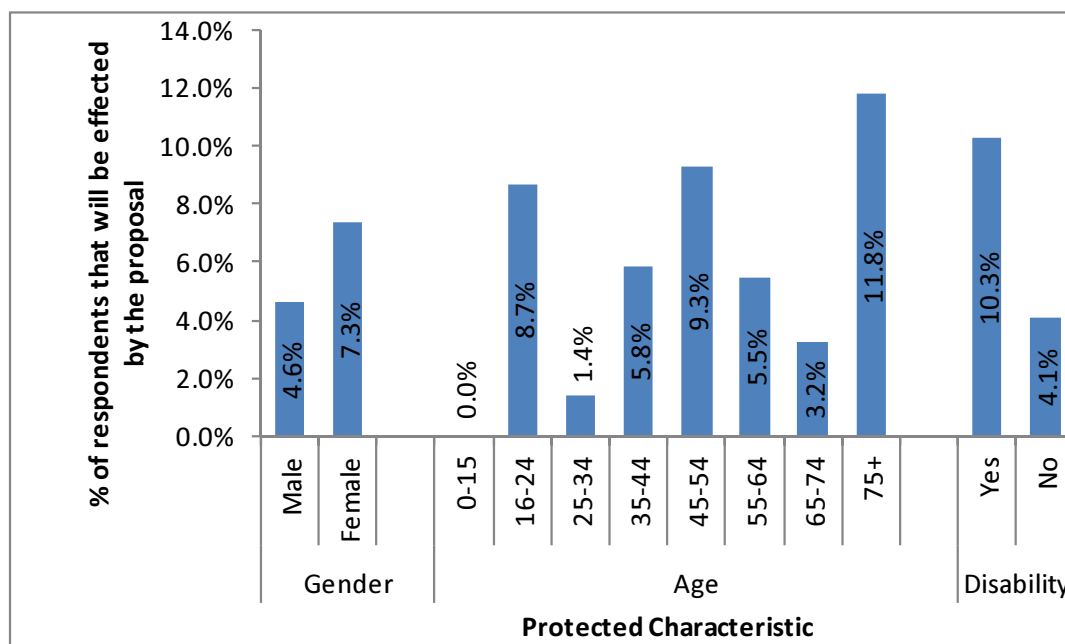
Percent of respondents who agree or disagree with reducing the savings limit from £16,000 to £6,000 by Council Tax Benefit claimants.

	Currently receive Council Tax Benefit					
	Yes		No		Don't know	
	Number	Percent	Number	Percent	Number	Percent
Strongly agree	56	18.3	62	23.9	3	13.0
Agree	75	24.5	62	23.9	4	17.4
Neither agree nor disagree	47	15.4	24	9.3	6	26.1
Disagree	64	20.9	61	23.6	5	21.7
Strongly disagree	64	20.9	50	19.3	5	21.7
Total	306	100.0%	259	100.0%	23	100.0%

Q3c) Would this proposal have an effect on your household?

	Number	Percent
Yes	35	6.1
No	538	93.9
Total	573	100.0%

Figure 3: Percent of respondents with protected characteristics who will be affected the savings limit is reduced from £16,000 to £6,000 for working-age people



Those respondents who said this proposal would have an effect on their household were asked to say what they felt this would be. There were only 41 comments made in relation to the affect this proposal would have and many were general comments about the scheme. However, for those who did outline an affect this was again focussed on their **ability to afford** the bill as they would be expected to make a contribution under this proposal. Examples of this are outlined by the quotes below:

"I would no longer be able to receive council tax benefit...it's the one thing that keeps me going"

“Cannot afford to pay. Would not leave enough money each month”

“It would confine us to the house as I wouldn’t be able to afford to run my car”

Q3d) Do you have any comments about Proposal Three?

There were a wide variety of comments in relation to this proposal and divided opinion. Some respondents felt that the proposal was **unfair, penalising** those that had made the efforts to save, while others felt that claimants could **afford** their council tax if they had money in savings. There were also many comments relating to the savings threshold and that the drop to £6,000 was **drastic**, suggesting **alternative amounts, particularly £10,000**.

The table below highlights the key issues / themes identified in the responses to this question:

	Comments made by respondents
Unfair / penalising	<p><i>“£16,000 is about right (£6,000 is too low) why punish people for being careful and building up something for a rainy day”</i></p> <p><i>“I feel this should not change, when you consider the high price of food, utility bills...”</i></p> <p><i>“People should be able to have a reasonable amount of savings which should not be penalised. £16,000 should be the limit”</i></p> <p><i>“Savings should not be taken into account”</i></p> <p><i>“Why should people who have managed to save hard be penalised?”</i></p> <p><i>“Just because people have taken the time to save, they shouldn’t be penalised”</i></p>
Agree / reasonable proposal	<p><i>“I agree 100% with proposal three, and can see no reasonable argument against it”</i></p> <p><i>“I think that if people have savings or investments they should make a proportional contribution”</i></p> <p><i>“If they have over £6,000 they should be able to afford their bill anyway”</i></p> <p><i>“Council tax benefit should support those in financial difficulties. If they have savings of any amount they should use these before resorting to taxpayers money”</i></p> <p><i>“People that have savings can plainly afford to have the savings limit reduced”</i></p>
Alternative savings limit	<p><i>“Drop it down from £16,000 to £10,000”</i></p> <p><i>“I think the savings limit should be around £10,000”</i></p> <p><i>“A level of £10,000 rather than £6,000 would be better”</i></p> <p><i>“A reduction to £6,000 is too drastic. A reduction to say £12,000 would be more reasonable”</i></p> <p><i>“Reduce the limit to £10,000 not £6,000”</i></p>

<p>Reduces the incentive to save</p>	<p><i>“Higher outgoings on costs reduce incentive to save”</i></p> <p><i>“This reduces the incentive for people to save money or improve their situation”</i></p> <p><i>“There would be less incentive to save if people thought their savings could be taken from them”</i></p> <p><i>“At a time when there is huge emphasis on saving for the future – this scheme would discourage saving and erode savings”</i></p>
<p>Should relate to income / circumstances</p>	<p><i>“Council tax should be related to a person’s earnings or if the person is retired, to their pension after tax”</i></p> <p><i>“Council tax should be based on ability to pay”</i></p> <p><i>“This ‘blanket policy’ is unfair. I feel it should depend on the individuals circumstances and take those into account”</i></p> <p><i>“Council tax should be based on ability to pay”</i></p>

4.4 Proposal Four: Removing the Second Adult Rebate

Currently, Second Adult Rebate can be given when there is one person in a property who is liable to pay council tax but lives with someone over the age of 18 (not a partner, boarder or tenant) who is on a low income. Council Tax Benefit of up to 25% can be given but no account is taken of the main person's income. Under this proposal, Second Adult Rebate would be abolished and Council Tax Support would only be considered by taking account of both incomes.

Q4a) How strongly do you agree or disagree with removing the Second Adult Rebate for working-age people?

	Number	Percent
Strongly agree	128	21.6
Agree	133	22.4
Total Strongly agree or agree	261	44.0
Neither agree nor disagree	137	23.1
Disagree	115	19.4
Strongly disagree	80	13.5
Total Disagree or strongly disagree	195	32.9
Total	593	100.0%

Percent of respondents who agree or disagree with removing the Second Adult Rebate for working-age people by Council Tax Benefit claimants.

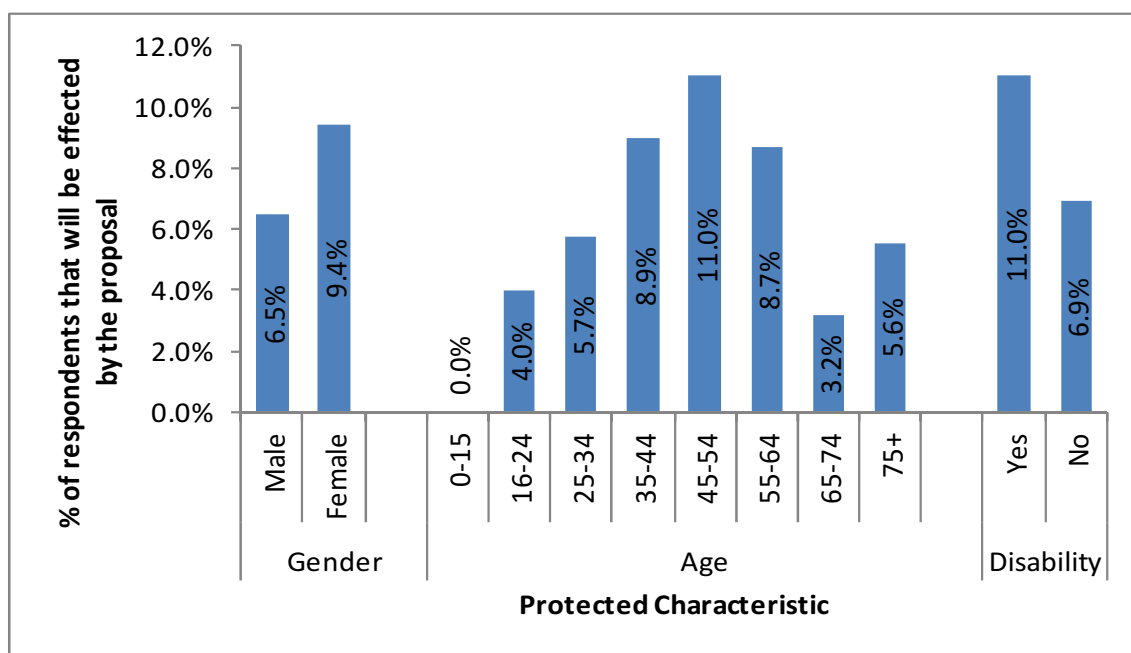
	Currently receive Council Tax Benefit					
	Yes		No		Don't know	
	Number	Percent	Number	Percent	Number	Percent
Strongly agree	42	13.7	86	33.2	0	0.0
Agree	61	19.9	66	25.5	5	22.7
Neither agree nor disagree	78	25.5	44	17.0	11	50.0
Disagree	66	21.6	43	16.6	5	22.7
Strongly disagree	59	19.3	20	7.7	1	4.5
Total	306	100.0%	259	100.0%	22	100.0%

Q4b) Would this proposal have an effect on your household?

	Number	Percent
Yes	45	7.9
No	525	92.1
Total	570	100.0%

Figure 4 below shows no major differences between protected characteristics.

Figure 4: Percent of respondents with protected characteristics who will be affected by removing the Second Adult Rebate for working-age people



Those respondents who said this proposal would have an effect on their household were asked to say what they felt this would be. The main themes identified from respondents in relation to this proposal were **higher costs** to pay and concern this proposal would cause them **greater hardship**.

Key issues with examples of comments regarding proposal one are outlined in the below:

	Comments made by respondents
Financial hardship	<p><i>"I feel this proposal would put more stress on my mother while is currently supporting me, due to circumstances"</i></p> <p><i>"It would mean if my son was still at home I would have to get a fourth job or find the money to pay the council tax in other ways. Such as going without food or and heating in the winter"</i></p> <p><i>"It is difficult to cover all bills in this economic time"</i></p>
Adverse affect on second adult	<p><i>"My daughter is studying at the moment. I get the relief because she isn't earning. If this changed she might have to leave further education to help pay the increased cost"</i></p> <p><i>"When my son is 18 I would have to pay 100% charge and if I was the only person working I am being penalised for giving my son a home rather than having to evict him as financially this situation would not be viable, ergo, he would have to approach housing services which would cost the council more than the 25% second adult rebate I would have received in the first place"</i></p>
Agree with proposal	<p><i>"We would be likely to pay more. But it's fair."</i></p>

Q4c) Do you have any comments about Proposal Four?

There were a wide variety of comments in relation to this proposal and divided opinion. Some respondents **agreed** with the proposal, feeling that everyone should contribute. However, key themes also identified included benefit being **means tested** and concerns regarding **financial hardship** and what the consequences of this might be for some claimants.

The table below highlights the key issues / themes identified in the responses to this question:

	Comments made by respondents
Agree with proposal	<p><i>"If a household as a whole is able to pay then they should"</i></p> <p><i>"If an adult of working age is employed and earning enough to pay the full council tax charge they should pay the full amount regardless of who lives with them. "</i></p> <p><i>"The second adult should contribute to their upkeep from whatever income they receive"</i></p> <p><i>"Why should the first adult be responsible for the second adult?"</i></p>
Disagree / unfair scheme	<p><i>"I am lucky enough to be in a position to pay for my son, who is out of work. I know people who would find it hard without the rebate"</i></p> <p><i>"I feel this would penalise parents with young unemployed people who are struggling to get jobs"</i></p> <p><i>"Not a solution in my opinion"</i></p> <p><i>"Disadvantages people with young adults in the family finding it impossible to find work."</i></p>
Means tested / individual circumstances	<p><i>"Assessments should always be based on household income"</i></p> <p><i>"Every case should be dealt with separately. It is unlikely that two cases would be identical. Means testing would be the fairest way of dealing with this proposal"</i></p> <p><i>"It seems sensible that the available income in the household should be the ruling factor. If this is high enough the full amount should be paid. If one of the occupants is not working the council tax should be reduced"</i></p> <p><i>"A way of testing income against expenditure should be adopted to help those who can prove most deserving need"</i></p> <p><i>"Ability to pay e.g. means tested should be the only criteria."</i></p>
Could lead to homelessness	<p><i>"I would worry that under this proposal could lead to homeless youngsters"</i></p> <p><i>"This is a cruel and would result in 'young people' becoming homeless"</i></p> <p><i>"The cost of adult children leaving home would be far greater than the relief currently given"</i></p> <p><i>"This will mean more young people are homeless"</i></p>
Cause financial strain	<p><i>"These proposals would affect the poorest section of residents and would produce problems elsewhere."</i></p> <p><i>"This is yet another way to get people on lower incomes with responsibilities to pay more. If we don't have the money what happens?"</i></p> <p><i>"You cannot penalise parents trying to support their children who are struggling to find work in this climate"</i></p> <p><i>"I think this is a good idea but it may cause some household severe hardship"</i></p>

5. Respondent Profile

Q5) Are you completing this questionnaire as:

	Number	Percent
A resident of Torbay	581	96.5
An organisation	4	0.7
A voluntary / community group	1	0.2
A business	3	0.5
A landlord	2	0.3
Other (please write in below)	11	1.8
Total	602	100.0%

Respondents who answered 'other' described themselves as:

- Hoping to move here
- Residents of neighbouring areas
- Visitors to the area
- Church of England Minister

Respondents who answered on behalf of organisations or voluntary groups did so on behalf of:

- Cool recovery
- MS Society
- JobCentrePlus
- Magna Housing Association
- Torbay Citizens Advice Bureau

Q6) Do you pay your council tax to Torbay Council?

	Number	Percent
Yes	474	80.7
No	113	19.3
Total	587	100.0%

(Please note: It became apparent that there was some confusion as to whether respondents whose council tax is paid directly by Council Tax Benefit but who live in Torbay should answer yes or no)

Q7) Does your household currently receive Council Tax Benefit from Torbay Council?

	Number	Percent
Yes	317	52.4
No	265	43.8
Don't know	23	3.8
Total	605	100.0%

(Please note: this may not identify respondents who live outside Torbay and whom are in receipt of Council Tax Benefit from their local authority)

Q8) Are you male or female?

	Number	Percent
Male	275	46.9
Female	311	53.1
Total	586	100.0

Q9) Which age group do you belong to?

	Number	Percent
0-15	0	0.0
16-24	26	4.3
25-34	74	12.3
35-44	127	21.1
45-54	149	24.8
55-64	139	23.1
65-74	66	11.0
75+	20	3.3
Total	601	100.0%

Q10) Which of the following best describes your working status?

	Number	Percent
Employed (full or part time)	260	43.8
Full time education at school, college or university	3	0.5
Unemployed	68	11.5
Permanently sick / disabled	125	21.1
Wholly retired from work	97	16.4
Doing something else	40	6.7
Total	593	100.0%

Q11) Do you consider yourself to be disabled in any way?

	Number	Percent
Yes	177	29.8
No	417	70.2
Total	594	100.0%

The 176 respondents who described their disability did so as:
(Please note respondents may have more than one disability)

	Number	Percent
Mobility	122	69.3
Hearing	24	13.6
Vision	29	16.5
Mental health	30	17.0
Other	68	38.6

Q12) What is your ethnic origin?

	Number	Percent
British	556	97.0
Irish	1	0.2
White other	10	1.7
White & Black Caribbean	0	0.0
White & Black African	0	0.0
White & Asian	2	0.3
Indian	1	0.2
Pakistani	0	0.0
Bangladeshi	0	0.0
Caribbean	0	0.0
African	0	0.0
Chinese	0	0.0
Other (please state below)	3	0.5
Total	573	100.0%

Q13) What is your home postcode?

We have classified respondents by their postcode into towns.

	Number	Percent
Torquay	320	56.9
Paignton	158	28.1
Brixham	73	13.0
Outside Torbay	11	2.0
Total	562	100.0%



Stakeholder Event: Feedback

23rd October 2012

1. Introduction

As part of the Government's welfare reforms, Council Tax Benefit is being removed and Torbay Council like all councils will have to design a local scheme called Council Tax Support. This will affect all people of working age who currently receive Council Tax Benefit. Pensioners will have a Council Tax Support Scheme set nationally and so will not be affected by changes to the local scheme.

In designing a local scheme, the council has consulted with residents by way of a questionnaire. This questionnaire was designed to ask the views of the general public (including, but not exclusive to, those in receipt of Council Tax Benefit at the time of the consultation) on the Council's draft proposals for a Council Tax Scheme.

However, as a result of a gap identified during development of the impact assessment it was also decided to hold a stakeholder consultation event targeted at local interest groups, voluntary sector organisations and those precepting authorities (including Brixham Town Council, Police, Fire). The event took place on the 23 October 2012 and outlined what the proposals are and what the impact could be on their services.

2. Methodology

A variety of organisations were invited to the event and attendance was good with over 30 people attending representing 13 organizations, including Action for Children, Coalition for the Disabled, Children's Centre's and the Torbay and Southern Devon Health and Care Trust. A full list of organisations who attended the event can be found in Appendix One.

At the event attendees were given more information about the proposals and were asked to participate in a round table discussion on each proposal on the following:

- How will this proposal affect your clients?
- How will this proposal affect your organisation / department?
- How will your organisation / department support your clients?

This report outlines feedback from the event by each proposal.

3. Results

3.1 Proposal One: Everyone should pay something towards their Council Tax

How will this proposal affect your clients?

The key issues identified by agencies in relation to Proposal One were:

- Greater expenditure and inability to pay the bill, given existing outgoings i.e. food utility bills

“The people I work for will not be able to pay for it; they cannot make ends meet as it stands”

“For many families the 25% change will have a great effect on how they budget and many families will struggle to budget an extra payment”

“Client base already a huge amount of debt where they cannot afford to even eat properly – pressure on families to pay additional bill”

- Further changes to other benefits i.e. housing benefits which will place greater pressure on people

“Some of these will also become liable for bedroom tax – recipe for disaster”

“This will have a severe impact for 2 years as benefits changes kick in ...e.g. ESA sanctions ...introduction of PIP”

- Concern regarding mental health issues and stress this will place on families.

“We work with parents who have mental health and drugs issues this will increase their stress levels”

“This will make my clients more stressed due to difficulty of making ends meet...”

- Concern that clients may not understand the information in the bills

“They would need to have an understanding on where and why they have to pay this tax”

“Vulnerable adults will not manage to find or understand the new scheme”

Other key issues included:

- Clients may hide / ignore their bills
- Demands placed on the hardship fund
- Clients with disabilities who are not able to work and cannot afford the payments.

How will this proposal affect your organisation/department?

Responses to this question focussed mainly on the increased demand for service, particularly those services which support families. It was felt that the proposals had the potential to create

more vulnerable families would need to be supported in budgeting and would need greater levels of family support:

“It will cause extra pressure on family support”

“Families will result in a greater vulnerable position, therefore may require more support. More families may also come forward for support”

“Increased load of difficult cases with no increase in resources”

“Work with families around budgeting their income”.

How will your organisation / department support your clients?

Although responses to this question were somewhat limited, attendees mentioned that they would support their clients by referring them to the relevant departments and help them in finding out information regarding the hardship fund and how they can access this. One organisation said they would review all of their working age clients to *“ensure their financial assessments are accurate in line with the new changes.”* Examples of support which will be provided include:

“Support with budgeting and signposting to services and also making sure we have the relevant information”

“Once criteria have been identified we will signpost families to the hardship fund, look at their budgeting to see if they have a way of funding the bill”

“By advocacy, befriending, counselling training in benefit / debt advice.”

3.2 Proposal Two: Limiting the amount of Council Tax Support for working age people to a Band D charge

How will this proposal affect your clients?

The key issues identified by agencies in relation to proposal two were:

- Affect their weekly outgoings / greater expenditure:

“Added pressure on already tight budgets”

“This will affect their weekly income/outgoings affecting whether they can afford etc therefore putting them into more debt ”

- Affect on larger families:

“This proposal will affect a small number of clients with bigger houses due to large families”

“Families may then try to stay in smaller houses or the lower bands to prevent this”

“Families living in overcrowded homes”

How will this proposal affect your organisation / department?

Similar to proposal one, responses to this question focussed mainly on the increased demand for service:

“We will have more families attending our centres with concerns over money and normal daily outgoings”

“Housing already difficult in the bay will this put more pressure on housing in certain bands to prevent paying more council tax – pressure to help clients housed will become harder”

How will your organisation / department support your clients?

Organisation will support their clients by continuing to provide outreach support to share information and advice.

3.3 Proposal Three: Reduce the savings limit from £16,000 to £6,000 for working-age people

How will this proposal affect your clients?

The key issues identified by agencies in relation to proposal one were:

- Clients have little or no savings:

“The families we work with do not in general have huge amounts of savings therefore this proposal would be the one that least affects our clients”

“Don’t come across many working age people who even have savings of £6,000”

“Not sure we have many people (or working age) who this will affect”

Other issues identified:

- Affect on the ill / disabled who many have been left money, which they will have to use.
- Penalising those who have saved.

How will this proposal affect your organisation / department?

Although the responses to this question in relation to this proposal were limited they included:

“Major impact on budget for Torbay Care Trust and will result in many changes or circumstances needing to be completed”

“There could be a reduction in contributions towards service, however...(not) many of our clients will fall into this proposal”

How will your organisation / department support your clients?

Organisation will support their clients by continuing to provide outreach support to share information and advice:

“A signpost to services”

“Have correct up to date information for clients”

“Will be financially re-assessing if needed.”

3.4 Proposal Four: Removing the Second Adult Rebate

How will this proposal affect your clients?

The key issues identified by agencies in relation to proposal one were:

- Proposal is not likely to affect many clients:

“Not likely to impact on our families”

“Very small percentage of our clients eligible for Second Adult Rebate”

- Financial strain:

“They will have more expenditure. Thus having an effect on our charging system – we will then have to allow extra council tax and the client will then end up possibly not paying for their care”

“Many older carers have family who live with them, this would put a strain on relationships due to changes in finances. Could put people off having their family in with them.”

How will this proposal affect your organisation / department?

Although the responses to this question in relation to this proposal were limited they included:

“Very low impact on our work but it would be looking at household income with family rather than individuals”

“We won’t need to complete the forms! But if needed, financial re-assessment, this reducing contribution towards services and reduction in income for Torbay Care Trust”

“This could reduce the charge for services thus reducing the revenue from charging ... could this lead to more requests for long term residential care?”

How will your organisation / department support your clients?

Organisation will support their clients by continuing to provide outreach support to share information and advice:

“Support with budgeting and signposting to services and also making sure we have all the relevant information”

“We would financially re-assess if needed”

“Offer an outreach and family support with money and budgeting issues, signposting to other agencies for advice with money”

“Help to find suitable, affordable housing for clients.”

Appendix One: Organisations Attendee List

Organisation	Number of Attendees
Action for Children	6
Age UK	1
Coalition of Disabled People South Devon	1
Community & Voluntary Action Torbay/Coalition of Disabled People	1
Devon and Cornwall Housing Group	1
Leonard Stocks Centre	2
SPOT (Speaking Out Torbay)	4
Torbay and District Deaf Society	2
Torbay and Southern Devon Health and Care - NHS Trust	2
Torbay Carers Forum, Torbay Healthwatch, & Torbay Inter Faith & Belief Forum	1
Torbay Council	2
Tor Homes and West Devon Homes	1
TSDHC - Financial Assessments & Benefits Team	7
Total	31

Equality Impact Assessment (EIA):

Name of Proposal:	Provisional Equality Impact Assessment – Draft Council Tax Support Scheme		
Name (Key Officer/Author):	Paul Looby	Business Unit:	Finance – Revenues and Benefits
Position:	Executive Head Finance	Tel:	(01803) 207283
Date EIA Commenced:	31 st July 2012	Email:	Paul.looby@torbay.gov.uk

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal/strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require a EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	<input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y	<input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/> N

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>Council Tax Benefit is a means tested benefit designed to assist those people on low incomes pay their Council Tax. The scheme is administered on behalf of the Government by local authorities and the benefit payments are reimbursed by the Department for Work and Pensions (DWP).</p> <p>As part of the Comprehensive Spending Review 2010, the Government announced that it intended to abolish Council Tax Benefit and replace it with a localised support scheme from 1 April 2013. The new arrangements will have financial implications for both billing and major precepting authorities, as expenditure allocated to the localised scheme will be reduced by 10% and any increase in expenditure above what is forecast by the Department for Communities and Local Government (DCLG) must be funded by the Council. For further details please refer to the consultation document below: http://www.communities.gov.uk/documents/localgovernment/pdf/2146648.pdf</p> <p>The new scheme must be in place by 31 January 2013 or the Government default scheme, which is modelled on the current Council Tax Benefit scheme, will be imposed. The default scheme will not have any scope for making the required savings. This would be a cost to the council of approximately £1.6 million, however this does not take into account increases in demand or Council Tax levels from April 2013.</p> <p>It is proposed that the Council adopt the existing Council Tax Benefit scheme as its local scheme for working age people. The current scheme is already widely understood by residents, professional and voluntary organisations and other service users. However, to make up the losses from the reduction in grant subsidy means that we would have to make changes to some elements of the existing scheme.</p> <p>Four options or proposals have been identified for making the savings required, which have been designed to meet the following key principles:</p> <ul style="list-style-type: none"> • Every working age adult should pay something - pensioners will be protected under the national framework defined by DCLG. • Protection for vulnerable working age groups will be in line with the current Council Tax Benefit system. • The scheme will incentivise work wherever possible. • The scheme will, as far as possible, allow for expected growth in demand. • A discretionary fund should be created to help protect the most vulnerable. • Changes to Council Tax discounts/exemptions relating to second homes and empty properties.

No	Question	Details
		<p>The proposals being consulted on are as follows:</p> <ol style="list-style-type: none"> Proposal 1 - Limit the maximum level of support to 75% of their Council Tax liability – The council currently assists people on the lowest incomes to pay up to 100% of their Council Tax. Under this proposal all working age people currently receiving Council Tax Benefit would have to pay an extra 25% of their Council Tax bill. This means that working people currently receiving full Council Tax Benefit would have to pay a minimum of 25% of their bill. <i>This proposal, based on current data will save approximately £2.2 million.</i> Proposal 2 - Restrict the maximum level of support to a band D charge - There is currently no restriction to Council Tax band charges. Under this proposal all working age people currently receiving Council Tax Benefit and occupying band E properties or above would be restricted to a maximum band D charge. <i>This proposal, based on current data will save approximately £73,000.</i> Proposal 3 - Withdrawal of Second Adult Rebate - The current scheme enables single people who are not entitled to Council Tax Benefit in their own right, because their income or savings are too high to claim a discount of up to 25% of their bill if they have another adult living with them on a low income. Under this proposal all working age people currently claiming Second Adult Rebate will not be entitled to Council Tax Support as a result of this change. <i>This proposal, based on current data will save approximately £15,000.</i> Proposal 4 - Reduce the upper Capital/Savings limit from £16,000 to £6,000 - In the current scheme working age people who have savings of £16,000 or more are not entitled to Council Tax Benefit. Under this proposal this will be reduced to £6,000 and people that have above this amount will not be entitled to Council Tax Support. <i>This proposal, based on current data will save approximately £69,000.</i> <p>Additional support for exceptional financial hardship - this will allow the most vulnerable customers to receive more financial support which will be given via an exceptional hardship /vulnerability fund.</p> <p>These proposals comply with the Draft Council Tax Reduction Schemes (Prescribed Requirements) Regulations which are before Parliament with the intention that they become law in the late summer of 2012. The Local Government Finance Act 2012 received Royal Assent on the 1st November 2012.</p>
2.	Who is intended to benefit / who will be affected?	<p>All current and future recipients of Council Tax Benefit / Council Tax Support are affected by the changes. The number of people claiming Council Tax Benefit in October 2012 was just over 18,000, of which around 9,800 are of working age and around 8,200 are pensioners. According to the 2011 Census there are 59,000 households in Torbay, which means nearly 1 in 4 households are financially supported by the current benefit scheme and just over half of them are of working age.</p>

No	Question	Details
		<p>The DCLG has made it clear that the new scheme must protect pensioners at current benefit levels and that consideration should be given to disabled people and other vulnerable groups. The local scheme must also take into account the following:</p> <ul style="list-style-type: none"> • The Public Sector Equality Duty (and The Equality Act 2010): requiring local authorities to have clearly defined responsibilities in relation to, and awareness of, those in the most vulnerable situations. • The duty to mitigate effects of child poverty (The Child Poverty Act 2010): understanding the characteristics of low income and disadvantaged families. • The Disabled Persons Act (Services, Consultation & Representation) Act 1986, and the Chronically Sick and Disabled Persons Act 1970. • The duty to prevent homelessness (The Housing Act 1996): Those households who find themselves homeless through no fault of their own and who are eligible and in priority need are owed the main homelessness duty. • Armed Forces Covenant 2011. <p>Whilst local authorities have discretion to design whatever scheme they deem fit for working age people, schemes need to be compliant with their duties so authorities should consider the impact of their schemes on all protected characteristics, particularly on the most vulnerable and disadvantaged groups.</p>
<p>Page 36</p>	<p>What is the intended outcome?</p>	<p>To implement a local Council Tax Support Scheme that seeks to be as fair as possible to all client groups regardless of their circumstances. The proposals are based on the evidence of other modelling which was carried out and those proposals put forward keep as many of the current protections afforded to pensioners, the disabled, carers and families with children as at the present time.</p>

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions/proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>The number of people claiming Council Tax Benefit in October 2012 was just over 18,000, of which around 9,800 are of working age and around 8,200 are pensioners. According to the 2011 Census there are 59,000 households in Torbay, which means nearly 1 in 4 households are financially supported by the current benefit scheme and just over half of them are of working age.</p> <p>The new Council Tax Support Scheme needs to be considered in the context of Torbay as a community: -</p> <ul style="list-style-type: none"> • According to the 2011 Census Torbay is home to approximately 131,000 people, 63,100 males and 67,800 females (rounded). This is an actual increase of approximately 1,298 people, or 1%, over the previous Census in 2001. This compares to an approximate 7% increase in the South West and England between 2001 and 2011. • Torbay's population is still very much dominated by a higher proportion of older people. Between the 0-4 and the 40-44 age bands Torbays population is consistently below national population figures for England and from bands 50-54 to 90+ they are consistently higher than national figures. (Census 2011) • The percentage of the population aged 65 and over is much higher in Torbay, at 23.6%, than the national figure of 16.3% and 19.6% in the South West. (Census 2011) • There are pockets of severe deprivation in Torbay, with around 15% (21,000) of the population living in areas in the top 10% most deprived in England (2010). In relative terms, Torbay's position has worsened over time, in 2004 there were some 6,000 residents living in the top 10% most deprived and in 2007 some 15,500. (Joint Strategic Needs Assessment JSNA 2012/13) • As Torbay's population ages, the potential workforce within the bay to support the retirement age population is expected to decrease. In 2010, there were 2.1 working age people in Torbay for every person of retirement age; this is expected to decrease to around 1.7 people of working age per person of retirement age by 2020. (Joint Strategic Needs Assessment JSNA 2012/13)

No	Question	Details
		<p>The wider impacts of the current economic climate and Welfare Reform Act also needs to be considered in context with the new scheme: -</p> <ul style="list-style-type: none"> • The cost of a minimum household budget has risen by about 5% for most families. This is well above the general inflation rate, because someone on a minimum income spends a greater than average portion of their budget on food, domestic fuel and public transport, for which prices have risen by 7% to 12%. A couple with two children, both parents working full time, would need to earn 24% more in 2011 than in 2010 to cover a minimum budget, once childcare costs are taken into account¹. • A few examples: gas has gone up in price by 18%, electric is up 11%, locally rent is up 2.3%, the average family's grocery shopping cost is up 12% adding £750.00 to the average family's bill per year, and petrol is up 20.5%. This is before consideration of expenses such as bank charges, increased mortgage repayments due to re-mortgage and redundancy problems. • The Institute for Fiscal Studies (IFS) estimates the average household will be £160 a year worse off in 2012/13 rising to £370 per household in 2013/14 as a result of tax rises and benefit reforms². Households with children are set to lose the most from the reforms. This and other changes will impact on a wide range of council and partner services, as vulnerability increases and customers put increasing demands on these services. • A significant challenge for Torbay is to get people off benefits and back into work in the current economic climate where we have high unemployment rates (8.7%), the highest in the South West and higher than the national rate (8.1%)³. <p>When looking at each proposal in more detail we can begin to analyse the how each proposal may affect Council Tax Benefit claimants in Torbay, for instance: -</p> <ul style="list-style-type: none"> ○ Proposal one – Working age people currently receiving only partial help with their Council Tax would be expected to pay an additional 25% of their eligible Council Tax, affecting 2,959 (30.00%) households in Torbay. Those who currently receive maximum Council Tax Benefit would have to pay 25% of their eligible Council Tax, affecting 6,907 households (70.00%). It will also result in 1,394 households losing their entitlement to support due to the lower amount of Council Tax used in the calculation. The overall impact of this proposal will affect 9,866 households. This proposal shares the burden of the funding cuts amongst all working age people receiving support. The extra amount that each person would have to pay depends on the Council Tax band that their property is in and any Council Tax discounts they receive, with those living in higher band properties paying more.

¹ JRF calculation can be found at <http://www.jrf.org.uk/sites/files/jrf/minimum-income-standard-2011-summary.pdf> p4

² <http://www.ifs.org.uk/publications/5451>

³ ONS annual population survey (Apr 2011-Mar 2012), Model Based Unemployment rate

No	Question	Details																				
Page 39		<p>o <u>Proposal two</u> – the restriction to a maximum band D would currently affect 203 households with 27 losing entitlement to support. The equalities impact assessment reveals that if a banding restriction were imposed with the 25% limitation low income households would be disproportionately affected (please refer to question 8).</p> <p>o <u>Proposal three</u> – removing second adult rebate will result in 87 households losing their entitlement to support.</p> <p>o <u>Proposal four</u> – reduction in the capital cut off limit from £16,000 to £6,000 will result in 122 households losing their entitlement to support</p> <p>The particular impact of the scheme will depend upon the configuration of the four proposals and therefore careful consideration will need to be given as to how the different options are put together to ensure any potential impact is not amplified during the development of the scheme.</p> <p>Comprehensive data relating to people affected from the current Council Tax Benefit processing system has been obtained and has enabled us to analyse the potential impact on people according to their age, disability, family circumstances and level of income – this has enabled us to produce case studies to illustrate how each of the options we have considered would affect individuals as required by the public sector equality duty these are attached at Appendix 1.</p> <p>The following table summarises the estimated effects: it shows that pensioners are protected, as intended, but working age households will have their support reduced by an average of £4.49 per week or 29%.</p> <table border="1" data-bbox="826 790 1129 1617"> <thead> <tr> <th>Category</th> <th>Number of Households</th> <th>Total CTB Expenditure per annum</th> <th>Average Weekly Benefit</th> <th>Average weekly CT Support</th> </tr> </thead> <tbody> <tr> <td>Pensioners that received CTB in 2011</td> <td>9,469</td> <td>£8.032m</td> <td>£16.28</td> <td>£16.28</td> </tr> <tr> <td>Working age that received CTB in 2011</td> <td>12,457</td> <td>£7.820m</td> <td>£15.67</td> <td>£11.18</td> </tr> <tr> <td>Total</td> <td>21,926</td> <td>£15.954m</td> <td></td> <td></td> </tr> </tbody> </table> <p>The figures are based on a forecasting utility provided by the Council's benefits software supplier. As the software is regularly updated it is possible that the above figures may vary slightly prior to scheme finalisation.</p>	Category	Number of Households	Total CTB Expenditure per annum	Average Weekly Benefit	Average weekly CT Support	Pensioners that received CTB in 2011	9,469	£8.032m	£16.28	£16.28	Working age that received CTB in 2011	12,457	£7.820m	£15.67	£11.18	Total	21,926	£15.954m		
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No	Question	Details
5.	How have you consulted on the proposal?	<p>As outlined by the Government, the Council is expected to consult with residents, especially those who will be affected by the proposal, as well as local preceptors and interest groups. The Council has been working with other local authorities in Devon to establish a common framework for the new scheme. Part of this process included developing a consultation plan where all Devon authorities would go out to consultation with the public and key stakeholders from the 6 August 2012, as part of a coordinated county-wide approach.</p> <p>The consultation approach aimed to ensure all residents in the borough (including organisations and voluntary groups) had an opportunity to have their say about the potential replacement for Council Tax Benefit. The objectives of the consultation and engagement programme were to:</p> <ul style="list-style-type: none"> ○ Communicate the need to design a local Council Tax Support scheme to replace Council Tax Benefit, with a 10% reduction in funding. ○ To understand the views, priorities and impact on existing Council Tax Benefit recipients; and the views and priorities of residents, organisations and voluntary groups. ○ To assess responses to the principles underpinning a future scheme, views on the proposed model, consideration of potential incentives and protection. ○ To use the consultation data to shape a final recommendation to full Council, completing relevant impact assessments and designing an effective, efficient and sustainable scheme. <p>Consultation with residents on the draft scheme took the form of a survey. Respondents were asked for their views on each of the four proposals as well asking them to state whether the proposals will have an effect on their household.</p> <p>The consultation survey was open for 8 weeks between 6th August 2012 and 1st October 2012 and was available in the following forms:</p> <ul style="list-style-type: none"> ○ A letter was sent to all working age customers (9,678 households) who will be affected by the proposals, advising them of the forthcoming changes and the consultation. The letter explained that there would be an online survey and that paper questionnaires were also available from council reception areas. ○ 1,068 surveys were sent to a random sample of both Council Tax Benefit claimants and Council Tax payers. From this 660 were posted to households not in receipt of Council Tax Benefit and the remaining 408 were sent to households in receipt of Council Tax Benefit who had already received letters. ○ An additional 500 letters were hand delivered to claimants with visiting officers. ○ Letters were sent to people who started claiming Council Tax Benefit whilst the consultation was open. ○ The questionnaire was available via the council's website. ○ Paper surveys were available via the libraries and other council reception areas. ○ Customer service advisors had access to information about the changes and were directing customers to the questionnaire. ○ Customers were given a questionnaire to complete when they had a benefit appointment.

No	Question	Details
		<ul style="list-style-type: none"> ○ Torbay Council's Viewpoint panel members were contacted to make them aware of the consultation and were invited to take part. ○ Information also went out via the member's bulletin and members were able to collect copies of the survey to take out to their constituents. ○ Leaflets and posters were sent out to a variety of agencies such as Westcountry Housing, Sanctuary Housing and Citizen's Advice Bureau. <p>Due to a lower than expected response rate during the consultation window council staff actively approached customers in council reception areas to boost the number of paper surveys completed.</p> <p>A stakeholder consultation event aimed at local interest groups, voluntary sector organisations and those precepting authorities (including Brixham Town Council, Policy and Fire authorities) was held. The event took place on the 23 October 2012 and outlined what the proposals are and what the impact could be on their services. Attendance to the event was good with over 30 people attending representing 13 organisations, including Action for Children, Coalition of Disabled People, Children's Centre's and the Torbay and Southern Devon health and Care NHS Trust.</p> <p>The consultation activity was backed up by a general awareness campaign via press releases to obtain as much public interest as possible.</p>
6.	<p>Outline the key findings</p>	<p>Helping you cope with the changes to Council Tax – Survey Results</p> <p>622 questionnaires were returned - 297 online and 325 paper. A full analysis of the results was undertaken in late October. The headline results are as follows: -</p> <p>Proposal One: Everyone should pay something towards their council tax</p> <ul style="list-style-type: none"> ● 56.1% agree with the proposal that everyone should pay something towards council tax. ● 44.7% agreed that everyone of working age should pay at least 25% of their council tax bill, while 43.2% disagreed. ● Nearly half (46.1%) of respondents said they would be affected by the proposal. <p>Proposal Two: Limiting the amount of Council Tax Support for working age people to a Band D charge</p> <ul style="list-style-type: none"> ● 59.8% of respondents agreed that people who live in higher band properties and claim Council Tax Benefit should pay more. ● 54.5% of respondents agreed that Council Tax Support should be capped to the level of Band D. ● Most respondents (85.2%) said they would not be affected by the proposal.

No	Question	Details
		<p>Proposal Three: Reduce the savings limit from £16,000 to £6,000 for working-age people</p> <ul style="list-style-type: none"> • 47.5% of respondents agreed with the proposal that Council Tax Support should not be paid to people with savings. • 44.8% of respondents agreed with reducing the savings limit to £6,000 from £16,000, while 42.1% disagreed. • Nearly all respondents (93.9%) said they would not be affected by this proposal. <p>Proposal Four: Removing the Second Adult Rebate</p> <ul style="list-style-type: none"> • 44% of respondents agreed with removing the Second Adult Rebate, while 32.9% disagreed with this proposal. • Nearly all respondents (92.1%) would not be affected by this proposal. <p>The full consultation results are available in a separate document.</p> <p>Changes to Council Tax Benefit Event – Stakeholder Event Feedback</p> <p>Key feedback from the event by proposal is as follows: -</p> <p>Proposal One: Everyone should pay something towards their council tax</p> <ul style="list-style-type: none"> • Greater expenditure and inability to pay the bill, given existing outgoings i.e. food utility bills. • Further changes to other benefits i.e. housing benefits which will place greater pressure on people. • Concern regarding mental health issues and stress this will place on families. • Concern that clients may not understand the information in the bills. <p>Proposal Two: Limiting the amount of Council Tax Support for working age people to a Band D charge</p> <ul style="list-style-type: none"> • Affect client weekly outgoings / greater expenditure. • Affect on larger families. <p>Proposal Three: Reduce the savings limit from £16,000 to £6,000 for working-age people</p> <ul style="list-style-type: none"> • Clients have little or no savings. • Affect on the ill / disabled who many have been left money, which they will have to use. • Penalising those who have saved. <p>Proposal Four: Removing the Second Adult Rebate</p> <ul style="list-style-type: none"> • Proposal is not likely to affect many clients. • Financial strain.

No	Question	Details
		<p>Other key issues included:</p> <ul style="list-style-type: none"> • Clients may hide / ignore their bills. • Demands placed on the Hardship Fund. • Clients with disabilities who are not able to work and cannot afford payments. <p>How the proposals will affect organisations:</p> <ul style="list-style-type: none"> • Increased demand for services, particularly those services which support families. • The proposals have the potential to create more vulnerable families that would need to be supported in budgeting and would need greater levels of family support. • One organization highlighted “<i>major impact on [our] budget and will result in many changes of circumstances needing to be completed</i>”. <p>How organisation will support their clients:</p> <ul style="list-style-type: none"> • Referring clients to the relevant departments and help them in finding out information regarding the Hardship Fund and how they can access this. • One organisation said they would review all of their working age clients to “<i>ensure their financial assessments are accurate in line with the new changes.</i>” • Continue to provide outreach support to share information and advice. <p>The full consultation results are available in a separate document.</p>
7. 3	<p>What amendments may be required as a result of the consultation?</p>	<p>As a result of the consultation activity detailed above the following amendments and actions have been made: -</p> <ul style="list-style-type: none"> • Reassessing Proposal Two – Limiting the amount of Council Tax Support for working age people to a Band D charge. • Ensure engagement with key agencies including the cascade of key information to allow for better signposting between organisations in order to protect vulnerable groups as far as possible. • Software changes to adapt information on bills so that they are more user friendly and includes key information to support clients. • Look into alternative ways for clients to pay their Council Tax including considering weekly or fortnightly payments as well as doorstep collections.

Positive and Negative Equality Impacts

		Details	
No	Question	Positive Impact	Negative Impact
8.	Identify the potential positive and negative impacts on specific groups	<p><i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the 'neutral' column to explain why.</i></p>	
	All groups in society generally	<p>Local schemes should follow the underlying principle as set out by the DCLG and deliver incentives at a local level to reduce benefits dependency and encourage the unemployed back to work.</p> <p>There are currently 18,126 households claiming Council Tax Benefit in Torbay. Of these, 9,866 (54.43%) are of working age and will be affected by the introduction of the new Council Tax Support scheme.</p> <p>The draft scheme includes a hardship fund that provides a safety net so that additional Council Tax Support can be awarded where there is exceptional need.</p>	<p>The scheme has to be taken into context with the wider welfare reform changes and the risks that with other cost of living increases and pressures on individuals and families within Torbay, people's ability to pay Council Tax may be compromised.</p> <p>There is also the risk that further burdens are placed on other council run services in relation to homelessness, child poverty, children's and adults social care as people within the community are put under extra financial strain.</p>
	Older or younger people	<p>Pensioners will continue to receive support as outlined in the draft regulations published by the DCLG. It is the Government's view low income pensioners would not be expected to work in order to increase their income and will be protected from any reduction in support as a result of this reform.</p> <p>In Torbay pensioners represent 23.6% of</p>	<p>Neutral Impact</p> <p>The council will ensure equality of applying the new scheme to individuals of working age.</p> <p>The local scheme has been designed to meet the following key principles: -</p> <ul style="list-style-type: none"> ➤ Every working age adult should pay something (pensioners will be protected) ➤ Protection for vulnerable working age groups (in line with the current system) ➤ The scheme will incentivise work wherever possible ➤ The scheme will, as far as possible, allow for expected growth in demand ➤ A discretionary fund should be created to help protect the most vulnerable <p>In the wider context of welfare reform this will add further financial pressure on working age people that will receive Council Tax Support.</p> <p>There will be a negative impact for all working age households that are currently receiving Council Tax Benefit as there will be a reduction in their entitlement when the new scheme is implemented from April 2013.</p>

No	Question	Details										
	<p>the population (Census 2011) and 45.57% of the current Council Tax Benefit caseload.</p> <p>Asking non-working households to make a contribution is in line with the main Government objectives of creating the right incentives to get more people into work by ensuring work always pays.</p>	<p>In this category the percentage of people currently claiming Council Tax Benefit aged between 20 and 64 (60.37%) is slightly higher than the Torbay population (55.3%)</p> <p>Restriction to Band D Case studies presented in the draft Council Tax Support Scheme highlight a disproportionate impact on households where a Band D restriction combined with the 75% limitation applies.</p> <p>There are currently 203 live cases that would be affected by this proposal, which consists of 113 owner occupiers and 90 households living in rented accommodation.</p> <table border="1" data-bbox="715 712 890 1178"> <thead> <tr> <th>Band</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td>E</td> <td>158</td> </tr> <tr> <td>F</td> <td>36</td> </tr> <tr> <td>G</td> <td>9</td> </tr> <tr> <td>H</td> <td>0</td> </tr> </tbody> </table> <p>Unemployed single people and couples that do not fall into a vulnerable category will be affected more than any other group, with the loss of residual income relative to the property band charge.</p> <p>Reduction in capital/savings limit from £16,000 to £6,000 As a result of this change there could be a difference in the treatment of those receiving a passported benefit, paid by the DWP and standard cases, which are calculated by the council. There is a different treatment for those on passported benefits as their income is reduced to reflect capital over £6,000,</p>	Band	Number	E	158	F	36	G	9	H	0
Band	Number											
E	158											
F	36											
G	9											
H	0											

No	Question	Details
		<p>through tariff income calculations. It will be administratively prohibitive to re-verify the circumstances of all of those on passported benefits. It is also unusual for someone on a passported benefit to have in excess of £6,000.</p> <p>Mitigation could be focused on ensuring local skills and needs analyses are conducted; links are made between DWP and Adult Community learning and wider measures are taken to maximise opportunities for job search and creation, training and mentoring. However, these actions will need to be considered in light of the current economic climate.</p> <p>Documented evidence and research clearly demonstrates that child poverty has grown exponentially through recent years of austerity and may be further increased by the implementation of wider welfare reforms.</p> <p>From April 2013, there will be a 'cap' (a maximum limit) on the total amount of benefit paid, where benefit is restricted to £500 per week for couples and £350 for single people. In Torbay the DWP has identified 88 households that will be affected by this change. To mitigate the impact on those more severely affected by this change Discretionary Housing Payments can be considered.</p> <p>Feedback from the consultation stakeholder event held on the 23rd October 2012 also highlighted that adults aged 65 and under receiving care who may have to start paying a proportion of their Council Tax will need to</p>

Details		
No	Question	Answer
		be re-assessed to take into account additional monetary outgoings. This may then mean a greater strain on the Adult Social Care budget.
		Data provided by the Family Resources 2009/10 Survey suggests that a proportion of people claiming social security benefits have at least one adult or child that are disabled, are carers, or requiring informal care. It also highlights that people receiving Council Tax Benefit may have caring responsibilities. Around 18% of under 65's report caring responsibilities with 17% of recipients under 65 with at least one adult requiring informal care. As disabled people's incomes reduce, their capacity to pay for social care is likely to be impacted which will have a knock on effect on carers. Many carers work part time but access to Working Tax Credit is now reduced and the hours of work required have increased so any further reduction in income will have a disproportionately negative impact on this group.
	People with caring responsibilities	Protection for those receiving a carers allowance will be in line with the existing Council Tax Benefit scheme. In Torbay there are currently 828 working age households currently claiming Council Tax Benefit and receiving a carers allowance or underlying entitlement to a carers allowance, which is just over 8% of the caseload.
	People with a disability	Protection for disabled people will be in line with the current Council Tax Benefit scheme. Disability benefits, such as Disability Living Allowance, will continue to be fully disregarded as well as the associated personal allowances and premiums that are currently awarded to people with disabilities.
		It is acknowledged that disabled people are historically disadvantaged and face greater barriers when accessing services and therefore consider households to be more vulnerable than other households. People with a disability often need more money for basic living needs due to the nature of their illness or disability, therefore without any protection for this group the impact of a reduction to their benefit will be significant in many cases.

No	Question	Details
		<p>The Family Resources Survey 2009/10 indicates that 48% of people under 65, receiving Council Tax Benefit in England have at least one adult or child who is disabled.</p> <p>In Torbay there are currently 3,754 working age households that have a disability, consisting of passported and standard cases receiving Council Tax Benefit. There are also 375 households receiving Council Tax Benefit that have a disabled child.</p> <p>From April 2013 the Personal Independence Payment (PIP) will replace Disability Living Allowance. Nationally this is likely to lead to approximately 500,000 people who currently receive DLA, either losing eligibility completely or facing a reduction in entitlement. These impacts will be further compounded if there is reduction in household income for disabled people and their carers via any reduced levels of Council Tax Benefit.</p> <p>Consultation with our stakeholders highlighted the potential negative impact on people with mental health illnesses or potential for increases in people with mental health issues. Agencies describe the impact of changes to council tax support together with utility bill and general cost of living increased will put an additional strain on individuals and families within the Bay. As a result anxiety, depression and risk of suicides may increase.</p>

No	Question	Details
	Women or men	<p>A significant challenge for Torbay is to get people off benefits and back into work in the current economic climate. According to the Labour Supply survey 2011-2012 (source ONS annual population survey) Torbay has an unemployment rate of 8.7%, the highest in the South West and higher than the national rate (8.1%)⁴. However, there are no significant differences between the unemployment rate of males (8.4%) to females (8.2%).</p> <p>Analysis of the data shows that there is a higher percentage of working age females claiming Council Tax Benefit (59.62%) compared to their representation in the Torbay population (51.75%). However, there is one claim submitted on behalf of the household and the impact of changes would extend to the whole household which will frequently include people of both genders.</p> <p>Furthermore, the representation working age women who are lone parents, which totals 2,832 (93.68%) compared to 191 males is disproportionate.</p> <p>The overall percentage of working age lone parent households currently claiming Council Tax Benefit is 30.64%</p> <p>Key reports identify two groups who will be specifically negatively affected by welfare changes - people with disabilities and women (and therefore, by definition, couple and lone parent families).</p>
		<p>There is no impact on gender. Current income disregards, which tend to favour more women than men, such as child benefit disregards will continue to be a feature of the new Council Tax Support scheme.</p>

⁴ ONS annual population survey (Apr 2011-Mar 2012), Model Based Unemployment rate

Details	
No	Question
	<p>People who are Black or from a Minority Ethnic background (BME)</p> <p>The CTS scheme does not preclude people from receiving support based on their BME background. Under the scheme, entitlement is solely based on the household income, composition and liability to pay Council Tax.</p> <p>Torbay's BME population has increased in recent years. The BME population includes all but the White British population. In 2009 7.8% of the population were black or from a minority ethnic background.</p> <p>Facilities are available for those where the spoken or written English is either not available or a second language.</p>
	<p>Religion and Belief</p> <p>The CTS scheme does not preclude people from receiving support based on their religion or belief. Under the new scheme, entitlement is solely based on the household income, composition and liability to pay Council Tax.</p> <p>According to the 2011 ONS Census 76.19% of the Torbay population were Christian. Facilities are available for those where the spoken or written English is either not available or a second language.</p> <p>Same sex couples and civil partnerships will be recognised under the new scheme in the same way as heterosexual couples and marriages.</p>
	<p>Claimants from BME communities may be more likely to be from large or multigenerational households and could be affected by the Band D restriction as they are more likely to be living in large properties.</p>
	<p>The design of the Torbay Council Tax Support scheme will not directly discriminate against people from BME communities. However, we do not currently hold any additional data at caseload level on regarding BME background for CTB claimants.</p>
	<p>Claimants from Torbay communities where their religious beliefs mean they may be more likely to be from larger or multigenerational households could be affected by the Band D restriction as they are more likely to be living in large properties.</p>
	<p>The design of the Torbay Council Tax Support scheme will not directly discriminate against people based on their religion or belief. However, we do not currently hold any additional data at caseload level on regarding a person's religion or belief for CTB claimants.</p>
	<p>People who are lesbian, gay or bisexual</p> <p>The design of the Torbay Council Tax Support scheme will not directly discriminate against people based on their sexual orientation. The council</p>

Details	
No	Question
	<p>does not keep case level data on a person's sexual orientation as it would not be relevant to the calculation of Council Tax Benefit.</p> <p>The design of the Torbay Council Tax Support scheme will not directly discriminate against people who have undergone gender reassignment.</p> <p>National data shows that transgender people experience higher levels of disadvantage and social/financial exclusion than other groups.</p>
	<p>The scheme will not directly impact on those having gone through gender reassignment. Provision can be made for those undergoing the gender reassignment process with regard to their ability to access services during this period.</p> <p>Married couple and civil partnerships are recognised equally in the current Council Tax Benefit scheme. The equal and fair treatment of couples will continue under the proposed new scheme.</p> <p>The treatment of income and savings of women expecting children is a feature of the current Council Tax Benefit scheme and will continue under the proposed new scheme.</p>
	<p>People who are transgender</p> <p>People who are in a marriage or civil partnership</p> <p>Women who are pregnant / on maternity leave</p>

9. Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and/or foster good relations?

As part of its approach with other Devon authorities a Council Tax Support Scheme Vulnerability Policy has been developed to ensure that vulnerable groups are protected as far as possible. Other than statutory protection for low income pensioners the Government has not prescribed for the other groups that local councils support. Therefore Torbay Council has tailored its scheme to take account of the various statutes that currently protect vulnerable groups.

In Torbay the following groups are defined as vulnerable and will be protected in line with the current Council Tax Benefit scheme: -

Group	Legislation
Couples with children and lone parents	Child Poverty Act 2010
Disabled persons	Disabled Persons Act (Services, Consultation & Representation) Act 1986
Homelessness	Housing Act 1996
Carers	Equalities Act 2010
War pensioners (under pensionable age)	Armed Forces Covenant (Local)

The table below shows the distribution of claimants where the 'local' definition of vulnerability is applied:

Claimant Group	Number of Cases	Percentage
Working age – vulnerable	5,341	54.14%
Working age – non-vulnerable	4,525	45.86%
Total	9,866	100%

The purpose of the Vulnerability Policy is for Torbay Council to set out its approach to define and assist those deemed as vulnerable. In doing so it seeks to: -

- Protect those who are of state pension credit age.
- Help those who are trying to help themselves.
- Encourage and support unemployed people into employment.

In order to ensure that all customers have equal access to Council Tax Support, the council has adopted a communications strategy which aims to reach all vulnerable and hard to reach customers in our communities. In doing this, we will ensure that: -

- All information about Council Tax Support is available in alternative formats and languages on request.
- Application forms for Council Tax Support will be available online or by visiting one of our Connections offices.
- Customers can contact us by telephone or email.
- Additional information about Council Tax Support will be available on our website and will be publicised in leaflets.

- We will work closely with welfare groups and other agencies that support customers to ensure they can access the Council Tax Support they are entitled to.

Torbay Council's Council Tax Support scheme will maintain the key elements of the Council Tax Benefit scheme and, as such, provides protection in the overall calculation of support for disabled customers. Our support scheme will not include income received specifically relating to disability in the financial assessment, as is the case currently. This means that all income received from Disability Living Allowance and Personal Independence Payments will be disregarded. The effect of this is that more disability related income will be retained before disabled customer's Council Tax Support is reduced.

In addition to this, the calculation of support will also include all of the premiums which existed under Council Tax Benefit, i.e. Disability Premium, Severe Disability Premium, Enhanced Disability Premium, work related activity component and support component.

The council also recognises the importance of maintaining the components within the Council Tax Benefit scheme which afford additional protection to families. These allow for the following income types to be disregarded in the financial assessment of Council Tax Support: -

- All Child Benefit
- All Child maintenance
- All other income payable to dependant children *there may be some, very rare, exceptions
- Up to £175.00 per week for one child and £300.00 per week for two or more children towards childcare payments, for working families.

The council will ensure that any applicant who is found to be unintentionally homeless as part of our duty will be encouraged and supported in their application for Council Tax Support, once they have secured accommodation. The council will ensure that any applicant at risk of homelessness and who is vulnerable is assisted with any application for Council Tax Support.

Applicants or partners in receipt of War Disablement Pension or War Widows payment will have this payment disregarded in the calculation of income when assessing entitlement to Council Tax Support. This mirrors the provisions of the local scheme within Council Tax Benefit.

The council is keen to support applicants back into work. The Council Tax Support scheme does this in supporting all customers on a low income, not just those in receipt of benefits.

The council is retaining core elements of the Council Tax Benefit scheme. This means support is reduced based upon a 20% withdrawal rate. Where a customer's income exceeds their living allowance a deduction of 20p for every £1 will be made from Council Tax Support

[Please refer to the Draft Council Tax Support Scheme Vulnerability Policy for more detail]

Page 54	<p>The creation of a Hardship Fund meets the council's obligations under the Equalities Act. We recognise the importance of protecting our most vulnerable customers and also the impact these changes have. We have created the fund to ensure that we protect and support those most in need that will enable the customer to make alternative arrangements.</p> <p>The council's Hardship Fund will;</p> <ul style="list-style-type: none"> • Allow a short period of time for someone to adjust to unforeseen short-term financial circumstances and to enable them to "bridge the gap" during this time • Support people in managing their finances • Help customers through personal crises and difficult events that affect their finances • Prevent exceptional hardship • Support vulnerable young people in the financial transition to adult life. • Help those who are trying to help themselves financially • Alleviate poverty • Sustain tenancies and prevent homelessness. • Keep families together • Encourage and support people to obtain and sustain employment • Give support to those who are financially vulnerable <p><i>[Please refer to the Draft Exceptional Hardship Fund Policy for more detail]</i></p>
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Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	<p>To conclude, it is our view that the proposed scheme does not impact on any group with protected characteristics based on current evidence pending the outcome of the consultation exercise. During the development of a local scheme we have tried hard to balance the reality of a significant cut in central Government funding to protecting the most vulnerable members of our community as far as possible. The scheme that being proposed acknowledges that recipients of benefits need to contribute more to meet the shortfall but also looks to protect people with protected characteristics as much as possible.</p> <p>Overall, the main feature of the scheme protecting pensioners from the changes positively impacts on this group. Other than that we have tried to mirror as much of what currently exists in the national Council Tax Benefit system into the local CTS scheme. Different favourable treatment of income and allowances of disabled people and women with children are carried over into our local scheme so it is our view that there is no adverse or disproportionate impact on any of the groups with protected characteristics.</p>

<p>11. Summarise any negative impacts and how these will be managed?</p>	<p>The financial implications on households must be considered against the wider context of current austerity and the impact of current and impending welfare reform i.e. reduced eligibility for working tax credit; benefit cap; changes to disability benefits, along with the well documented wider disproportionate impacts, particularly on disabled and carer households and those with children under five.</p> <p>As mentioned elsewhere in this document the government has suggested that councils should consider designing schemes that protect vulnerable groups beyond pensioners. The Council regards CTB claimants as some of the very poorest of our citizens and therefore by definition all CTB claimants are vulnerable. Furthermore, the Council already has statutory duties in relation to children, disabled people and homelessness prevention. Also, as pensioners are protected from the changes the loss of funding will disproportionately impact on working age households currently claiming Council Tax Benefit, where the reduction in support will be much greater than 10%.</p> <p>The Council's Vulnerability Policy and the Hardship Fund are mitigating features of the development of the local scheme to manage any potential negative impacts as mentioned above. Further to this, restricted benefits based on Council Tax bands (i.e. Proposal Two – Limiting the amount of Council Tax Support for working age people to a Band D charge) has been delayed for 12 months as it may disproportionately affect people with large families, disabled people and others who are vulnerable. This proposal will be reviewed in 2013 for potential implementation in 2014/15 thereby giving those affected households time to look into alternative options.</p>
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Section 4: Course of Action

No	Action	Details
<p>12. [please refer to action plan on page 26]</p>	<p>State a course of action</p>	<p>The analysis contained within this impact assessment regarding the development of the localised Council Tax Support Scheme for Torbay Council has concluded with the following outcome: -</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p>The following mechanisms and action plan has been put in place to ensure all impacts are monitored – please refer to Section 5.</p>

Section 5: Monitoring and Action Plan

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Outline plans to monitor the actual impact of your proposals

Reports will be run on a quarterly basis showing the breakdowns of Council Tax Support claimants to see if there are any significant changes in trend of those claiming entitlement and at what rate. An analysis of the type of claimants awarded Hardship Fund payments will also enable us to consider further changes to the scheme in the following years.

The following indicators will be monitored by each of the equality characteristics to assess the impact of the new Council Tax Support scheme;

- Number of claimants
- Claimants that previously received full rate benefit
- Collection rates
- Number of missed/defaulted payments
- Percentage of Council Tax collected
- Take up of Hardship Fund
- Special arrangements

Action Plan – Draft Council Tax Support Scheme

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Finalise Hardship Fund Policy and confirm details.	To implement a Hardship Fund that recognises the importance of protecting our most vulnerable customers and also the impact these changes have. The fund will support those most in need and is a short-term emergency fund used whilst the customer seeks alternative solutions.	Office time	Revenue and Benefits Team	6 December 2012
2	Ensure engagement with key agencies including the cascade of key information.	Continuous engagements with key agencies will allow for better signposting between organisations in order to protect vulnerable groups as far as possible.	Office time	Revenue and Benefits Team	Commence 1 January 2013
3	Software changes to adapt information on bills	To ensure Council Tax bills are more user friendly that includes key information to support clients.	Office time	Revenue and Benefits Team	Commence 1 January 2013
4	Look into alternative ways for clients to pay their Council Tax.	Supporting Council Tax payers, especially those finding themselves having to pay for the first time, with a variety of payment options, including considering weekly or fortnightly payments as well as doorstep collections.	Office time	Revenue and Benefits Team	Commence 1 January 2013
5	<p>Set up monitoring mechanisms: -</p> <ul style="list-style-type: none"> • Number of claimants. • Claimants that previously received full rate benefit • Non collection rates. • The number of missed payments. • Percentage of Council Tax collected. • Take up of Hardship Fund. • Special arrangements <p>Including breakdown by protected characteristic where applicable.</p>	The impact of proposals is not often felt until several months into the new scheme. These indicators will ensure any potential impact on particular groups is highlighted in a timely manner and is then actioned appropriately.	Office time	Revenue and Benefits Team	1 April 2013 commence monitoring

6	<p>Review and reassess Proposal Two – Limiting the amount of Council Tax Support for working age people to a Band D charge.</p>	<p>This proposal has been delayed for 12 months as it may disproportionately affect people claiming support. This proposal will be reviewed during 2013 for implementation 2014/15 thereby giving those affected households sufficient time to make alternative arrangements.</p>	Office time	Revenue and Benefits Team	Commence 1 April 2013
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Case Study – Pension Age

Pensioner - Couple

Claimant aged 75 and partner 77.

They are owner occupiers and live in Torquay.

The property is a Band F property (£2,159).

The couple receive state pensions, a private pension and have savings of £9,000.

Council Tax Benefit is paid at £37.00 per week.

July 2012:

Household Weekly Income		Household Weekly Outgoings	
State pensions	£240	Council Tax (£2,159)	£42
Private Pension	£25		
Council Tax Benefit	£37		
Total Weekly Income	£302	Total Weekly Outgoings	£42
		Residual Income	£260

April 2013:

Household Weekly Income		Household Weekly Outgoings	
State pensions	£240	Council Tax (£2,159) (Less CT Support £1,924)	£5
Private Pension	£25		
Council Tax Benefit	£0		
Total Weekly Income	£265	Total Weekly Outgoings	£5
		Residual Income	£260

No change to income as pensioners are protected

Case Study – Limit Maximum Level of Support to 75%

Working Age – Working Single Person

Claimant aged 37 and lives alone.

The property is a one bedroom flat in Paignton which is rented at £105.00 per week.

The Council Tax Banding is A with a single person discount (£747).

Currently employed and earns £400.00 net per month. There are no savings.

Housing Benefit is paid at £70.00 per week.

Council Tax Benefit is paid at £11.00 per week.

July 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£92	Council Tax (£996 less 25% £249)	£14
Housing Benefit	£70	Rent	£105
Council Tax Benefit	£11		
Total Weekly Income	£173	Total Weekly Outgoings	£119
		Residual Income	£54

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£92	Council Tax (£996 less 25% £249) (Less CT Support £394)	£7
Housing Benefit	£70	Rent	£105
Council Tax Benefit	£0		
Total Weekly Income	£162	Total Weekly Outgoings	£112
		Residual Income	£50

£4 per week worse off (7%)

Case Study – Limit Maximum Level of Support to 75%

Working Age – Couple

Claimant and partner, both are aged 20 and have no children.

The property is a one bedroom flat in Torquay which is rented at £600.00 per calendar month.

The Council Tax Banding is C (£1,329).

The claimant currently works 16 hours a week at £10 per hour (£160 per week net).

Housing Benefit is paid at £70.00 per week.

Council Tax Benefit is paid at £18.00 per week.

July 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£160	Council Tax (£1,329)	£26
Housing Benefit	£70	Rent	£138
Council Tax Benefit	£18		
Total Weekly Income	£248	Total Weekly Outgoings	£164
		Residual Income	£84

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£160	Council Tax (£1,329) (Less CT Support £588)	£14
Housing Benefit	£70	Rent	£138
Council Tax Benefit	£0		
Total Weekly Income	£230	Total Weekly Outgoings	£152
		Residual Income	£78

£6 per week worse off (7%)

Case Study – Limit Maximum Level of Support to 75%

Working Age – Unemployed Single Person

Claimant aged 56 and lives alone.

The property is in Torquay and owned by the claimant.

The Council Tax Banding is B with a single person discount (£872).

Currently unemployed and receives Job Seekers at £71.00 per week.

Council Tax Benefit is paid at £17.00 per week.

July 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£71	Council Tax (£1,163 less 25% £291)	£17
Council Tax Benefit	£17		
Total Weekly Income	£88	Total Weekly Outgoings	£17
		Residual Income	£71

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£71	Council Tax (£1,163 less 25% £291) (Less CT Support £654)	£4
Council Tax Benefit	£0		
Total Weekly Income	£71	Total Weekly Outgoings	£4
		Residual Income	£67

£4 per week worse off (6%)

Case Study – Limit Maximum Level of Support to 75%

Working Age – Lone Parent

Claimant aged 39, no partner with a 15 year old son.

The property is a two bedroom semi-detached house in Torquay which is rented at £625.00 per calendar month.

The Council Tax Banding is C with a single person discount (£996).

Currently works 16 hours a week at £7 per hour (£112 per week net).

Also receives Child Benefit at £20.30 and Tax Credits at £160.00 per week. Has £1,500 in savings.

Housing Benefit is paid at £82.00 per week.

Council Tax Benefit is paid at £4.00 per week.

July 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£292	Council Tax (£1,329 less 25% £332)	£19
Housing Benefit	£82	Rent	£144
Council Tax Benefit	£4		
Total Weekly Income	£378	Total Weekly Outgoings	£163
		Residual Income	£215

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£292	Council Tax (£1,329 less 25% £332) (Not entitled to CT Support)	£19
Housing Benefit	£82	Rent	£144
Council Tax Benefit	£0		
Total Weekly Income	£374	Total Weekly Outgoings	£163
		Residual Income	£211

£4 per week worse off (2%)

Case Study – Limit Maximum Level of Support to 75%

Working Age – Disabled Couple

Claimant aged 46 and partner 47.

The property is a two bedroom flat in Torquay which is rented at £103.00 per week.

The Council Tax Banding is B (£1,162).

The claimant receives an occupational pension £511 per month.

Also receives Disability Living Allowance totaling £132 and Incapacity Benefit at £113 per week.

The partner receives a Carers Allowance of £58 per week. There are no savings.

Housing Benefit is paid at £51.00 per week.

Council Tax Benefit is paid at £6.00 per week.

July 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£421	Council Tax (£1,162)	£22
Housing Benefit	£51	Rent	£103
Council Tax Benefit	£6		
Total Weekly Income	£478	Total Weekly Outgoings	£125
		Residual Income	£353

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£421	Council Tax (£1,162) (Less CT Support £52)	£21
Housing Benefit	£51	Rent	£103
Council Tax Benefit	£0		
Total Weekly Income	£472	Total Weekly Outgoings	£124
		Residual Income	£348

£5 per week worse off (1%)

Case Study – Limit Maximum Level of Support to 75%

Working Age Couple with Disabled Child

Claimant aged 41 and partner 39 with three children, one disabled, aged between 13 and 16.

The property is a three bedroom terraced house in Paignton which is rented at £606 per calendar month.

The Council Tax Banding is C (£1,329).

Claimant currently works 30 hours a week at £7 per hour (£210 per week net). The partner has a part time job, working 5 hours a week at £7 per hour (£35 per week net).

Receives Child Benefit at £47.10 and Tax Credits at £193.00 per week

Also receives a Carer's Allowance for their disabled child at £58.00 per week. Has £1,600 in savings.

Housing Benefit is paid at £110.00 per week.

Council Tax Benefit is paid at £16.00 per week.

July 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£543	Council Tax (£1,329)	£26
Housing Benefit	£110	Rent	£140
Council Tax Benefit	£16		
Total Weekly Income	£669	Total Weekly Outgoings	£166
		Residual Income	£503

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£543	Council Tax (£1,329) (Less CT Support £520)	£16
Housing Benefit	£110	Rent	£140
Council Tax Benefit	£0		
Total Weekly Income	£653	Total Weekly Outgoings	£156
		Residual Income	£497

£6 per week worse off (1%)

Case Study – Reduce Upper Savings Limit from £16,000 to £6,000

Working Age – Couple

Claimant aged 35 and partner aged 31, with no children.

They are owner occupiers and live in Brixham.

The Council Tax Banding is D (£1,524).

The claimant currently works 30 hours a week at £8 per hour (£240 per week net).

Also receives Tax Credits totaling £30 per week.

The partner receives a Disability Living Allowance at £54 per week.

They have £7,045 in savings.

Council Tax Benefit is paid at £13.00 per week.

July 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£324	Council Tax (£1,524)	£29
Council Tax Benefit	£13		
Total Weekly Income	£337	Total Weekly Outgoings	£29
		Residual Income	£308

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£324	Council Tax (£1,524) (Not entitled to CT Support)	£29
Council Tax Benefit	£0		
Total Weekly Income	£324	Total Weekly Outgoings	£29
		Residual Income	£295

£13 per week worse off (4%)

Case Study – Reduce Upper Savings Limit from £16,000 to £6,000

Working Age – Lone Parent

Claimant aged 56, with two children.

The property is a three bedroom terraced house in Torquay which is rented at £660 per calendar month.

The Council Tax Banding is B (£1,163).

The claimant is currently unemployed but does receive Job Seekers Allowance.

Child Tax Credit at £244 per week.

Also receives Child Benefit at £20.30 per week, Disability Living Allowance at £20.55 per week and Employment and Support Allowance at £71.00 per week.

One child is 22 and is unemployed and is treated as a non dependant (no deduction applicable)

She has £13,970 in savings.

Housing Benefit is paid at £155.00 per week.

Council Tax Benefit is paid at £20.00 per week.

October 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£366	Council Tax (£1,163)	£22
Housing Benefit	£155		
Council Tax Benefit	£20		
Total Weekly Income	£541	Total Weekly Outgoings	£22
		Residual Income	£519

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£366	Council Tax (£1,163) (Not entitled to CT Support)	£22
Housing Benefit	£155		
Council Tax Benefit	£0		
Total Weekly Income	£521	Total Weekly Outgoings	£22
		Residual Income	£499

£20 per week worse off (6%)

Case Study – Band D Restriction and 75% Limitation

Working Age – Unemployed Single Person

Claimant aged 48 and lives alone.

The property is in Torquay and owned by the claimant.

The Council Tax Banding is F with a single person discount (£1,619).

Currently unemployed and receives Job Seekers at £71.00 per week.

Council Tax Benefit is paid at £31.00 per week.

July 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£71	Council Tax (£2,159 less 25% £540)	£31
Council Tax Benefit	£31		
Total Weekly Income	£102	Total Weekly Outgoings	£31
		Residual Income	£71

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£71	Council Tax (£2,159 less 25% £540) (Based on Band D £1,495 less 25% £374) (Less CT Support £841)	£15
Council Tax Benefit	£0		
Total Weekly Income	£71	Total Weekly Outgoings	£15
		Residual Income	£56

£15 per week worse off (21%)

Case Study – Band D Restriction and 75% Limitation

Working Age – Unemployed Couple

Claimant aged 40 and partner aged 37, with no children.

The property is in Torquay and owned by the claimant.

The Council Tax Banding is E (£1,827).

Currently unemployed and receives Job Seekers Allowance at £111.00 per week.

Council Tax Benefit is paid at £35.00 per week.

October 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£111	Council Tax	£35
Council Tax Benefit	£35		
Total Weekly Income	£146	Total Weekly Outgoings	£35
		Residual Income	£111

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£111	Council Tax (£1,827) (Based on Band D £1,495) (Less CT Support £1,121)	£14
Council Tax Benefit	£0		
Total Weekly Income	£111	Total Weekly Outgoings	£14
		Residual Income	£97

£14 per week worse off (13%)

Case Study – Band D Restriction and 75% Limitation

Working Age – Disabled Couple

Claimant aged 59 and partner aged 57, with no children.

The property is in Paignton and owned by the claimant.

The Council Tax Banding is F (£2,159).

Currently unemployed and receives Income Support at £155.00 per week.

Claimant receives a Carer's Allowance at £34

Partner receives Disability Living Allowance High Care at £77 per week and Disability Living Allowance (Mobility) at £54 per week.

Council Tax Benefit is paid at £41.00 per week.

October 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£320	Council Tax	£41
Council Tax Benefit	£41		
Total Weekly Income	£361	Total Weekly Outgoings	£41
		Residual Income	£320

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£320	Council Tax (£2,159) (Based on Band D £1,495) (Less CT Support £1,121)	£20
Council Tax Benefit	£0		
Total Weekly Income	£320	Total Weekly Outgoings	£20
		Residual Income	£300

£20 per week worse off (6%)

Case Study – Band D Restriction and 75% Limitation

Working Age – Working Couple

Claimant aged 55 and partner aged 57, with no children.

The property is in Brixham and owned by the claimant.

The Council Tax Banding is G (£2,539).

The claimant currently works 30 hours a week at £16 per hour (£372 net).

Council Tax Benefit is paid at £2.00 per week.

October 2012:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£372	Council Tax	£49
Council Tax Benefit	£2		
Total Weekly Income	£374	Total Weekly Outgoings	£49
		Residual Income	£325

April 2013:

Household Weekly Income		Household Weekly Outgoings	
Total Income	£372	Council Tax (£2,539) (Based on Band D £1,524) (Less CT Support £0.00)	£49
Council Tax Benefit	£0		
Total Weekly Income	£372	Total Weekly Outgoings	£49
		Residual Income	£323

£2 per week worse off (less than 1%)

Agenda Item 6



Title: **Review of Allocations Policy and Local Tenancy Strategy**

Wards Affected: **All Wards**

To: **Overview and Scrutiny Board** On: **21 November 2012**

Contact Officer: **Julie Sharland**

☎ Telephone: **01803 20**

✉ E.mail: julie.sharland@torbay.gov.uk

1. Key points and Summary

- 1.1 Social housing in Torbay currently offers a strong and valuable safety net for vulnerable groups and should continue to do so. Social housing should support those who need it most for as long as they need it. In addition, social housing also has broader social and economic roles in terms of area renewal and economic renewal, supporting strong communities, and tackling child poverty, worklessness and unemployment.
- 1.2 A fresh and more flexible approach to social housing could help the system to work better and allow wider groups of people to access the sector.
- 1.3 The review of our existing scheme has enabled and proposes local flexibilities for eligibility and priority to be applied. However due to the very small number of properties available outside of meeting the priority needs requirement it is unlikely to be viable to create an additional process at this time.
- 1.4 Housing policy should focus on the broader social and economic goals of housing across different tenures rather than concentrating exclusively on social housing.
- 1.5 Identifying housing for key priority needs groups in Torbay specifically families and those requiring adapted properties is reflected in the Local Tenancy Strategy.
- 1.6 The cost of returning to a bespoke Torbay allocations scheme would need to be funded – all initial set up costs for the existing scheme have been paid and the on going costs are covered by Landlord fees per every advert/ house let. The costs of administering the application and the register within the housing options team are part of the overall staffing budget. Occasional one off costs can occur e.g when legal advice is required.
- 1.7 The Council at its meeting on 6 December will consider the following recommendations:
 1. That the Council continue with the Devon Home Choice partnership agreement and allocations policy and review the future policy approach when next review of Devon Home Choice completed.

2. That the Local Tenancy Strategy be published in January 2013 and local registered housing providers be encouraged to have due regard to Torbay's Local Tenancy Strategy.

1.8 The Overview and Scrutiny Board is asked to consider the report and provide views and/or make any recommendations to the Council.

2. Introduction

2.1 The Localism Act 2011 has given local authorities new powers to shape the way in which they approach allocations, manage their waiting lists and make use of tenancies for social housing. Although, local authorities will still be required to operate and publish an allocations scheme, this no longer has to be open to all applicants. The Act still requires local authorities to grant priority to households meeting the existing reasonable preference criteria; but in addition to this, local authorities will be given greater flexibilities and discretion to shape their approach to allocations.

2.2 The Act is a key tool in implementing the government's proposals for social housing reform. Government states that the aim of the Act is to support communities to identify and drive local priorities and shape what local services look like and how they are delivered. The Act aspires to devolve power and funding to the lowest possible level.

2.3 The Localism Act will:

- give landlords new powers to grant tenancies for a fixed term to new tenants, where they choose to do so
- allow local authorities greater control over who they admit to waiting lists for social housing in their area (see appendix 1)
- enable local authorities to more easily discharge their duties to homeless people into the private rented sector
- reform social housing regulation with greater emphasis on local accountability and tenant scrutiny
- support greater tenant mobility across the social housing sector
- require local authorities to develop a tenancy strategy in partnership with local registered providers. (see appendix 2)

Relationship between the tenancy strategy, allocations policies and individual tenancy policies

2.4 The Localism Act creates a statutory requirement for all local authorities to develop a tenancy strategy which must include the high level objectives that registered providers in that area are to 'have regard to' when considering their own tenancy policies. Local authorities should develop their tenancy strategy in tandem with their allocation scheme.

2.5 This joined up approach is necessary to ensure an integrated and effective approach to housing options within a locality.

Evidence based approaches

2.6 In order to be effective and transparent, the tenancy strategy must be based on clear evidence drawn from local intelligence to inform long-term decision that will have local impacts. The tenancy strategy should be developed in conversation with local registered providers, partners working in health and the local economy and communities themselves. It should reflect the housing, and wider social and economic needs of an area. Local authorities should consider how their tenancy strategy:

- Meets housing need and demand locally
- Contributes to wider community objectives, such as health, education, employment and enterprise
- Reflects social, economic and household requirements which may arise out of the welfare reform.

In addition, the housing regulator, the HCA, requires registered individual providers to publish a tenancy policy. This document is intended to set out how that provider will use the new range of options that are available to them, with regard to tenancies of different types and length, when letting properties to new tenants. An individual registered provider's tenancy policy should also be developed in consideration of the local authority's allocation scheme and its tenancy strategy to ensure a joined up approach locally.

Equality and diversity

2.7 Local authorities play a key role in supporting diversity locally. They promote understanding and good relations between people who have different backgrounds and experiences, and this enhances the quality of life in local areas. The pursuit of equality depends on more than the criteria within the locally agreed scheme: it also requires the active involvement of groups that might be affected by the scheme or its formulation, including groups that might be under-represented or not fully visible to authorities. In assessing eligibility and making allocations, local authorities and their staff should have procedures which ensure compliance with the Equality Act 2010 and which avoid unfair discrimination, while complying with new allocations guidance and with relevant Housing Acts.

Providing advice and information

2.8 The publication of accessible and free information is vital in enabling people to take responsibility for their own housing solutions. This should additionally include information about housing options that exist within a local area. Where local authorities have stock or have nomination rights to partners' stock, it is important how that stock will be used and who is eligible for help is clear to everyone. This will be particularly important in the light of the local variations and additions that government is proposing to allow local authorities to introduce. The variety of local differences will mean that clarity of the local conditions and eligibility will be even more important to help people navigate local circumstances and make effective and empowered choices for themselves.

Managing transfers

- 2.9 The allocation guidance gives local authorities freedom to set their own transfer policies (Torbay does not hold any stock of its own) including giving existing social tenants who are under-occupying their accommodation appropriate priority for a transfer. However, housing benefit reforms and proposed welfare reforms could mean that households deemed to be under-occupying their homes or experiencing a reduction in income may generate requests for internal transfers. Not all areas will have an appropriate supply of smaller properties from their stock profile to meet these requests. Partnership working with other registered providers and across local authority boundaries may be necessary to address this issue.

Using flexible tenancies

- 2.10 The Localism Act 2012 gives local authorities the option to make greater use of flexible tenancies to support households in low paid work and to incentivise others to take up employment and training. Flexible tenancies provide new opportunities to link housing with wider social and economic goals locally. However, local authorities will need to be vigilant to ensure greater use of flexible tenancies does not create instability in communities or other negative social effects; for example: unstable housing for children or the possibility that children might have to change schools more often.

Choice-based lettings (Devon Home Choice)

- 2.11 The allocation guidance replaces earlier guidance on choice-based letting (CBL) schemes, but does not provide detailed guidance on how local authorities should integrate CBL schemes with new approaches to allocations. Local authorities will need to consider how to do this to ensure effective choice and access to a range of housing options locally.

Recent customer feedback tells us:

65% of applications are made via the website

66% felt that Devon Home Choice was a fair way of letting homes

84% felt that the way applications are assessed and placed in different bands is fair

New approaches to allocations

- 2.12 The Localism Act and allocation guidance gives local authorities much greater freedom to determine 'qualifying persons' for their allocation scheme. A range of different considerations could be taken into account when establishing a rationale for considering new approaches to allocations. For example:

Rationale for a new approach to allocations	Priority factors
<ul style="list-style-type: none"> Addressing an evidenced need to provide affordable housing for employees Creating mixed income communities 	<ul style="list-style-type: none"> In work or seeking work Tackling child poverty
<ul style="list-style-type: none"> Encouraging tenants' aspirations Contributing to local economic growth 	<ul style="list-style-type: none"> In education or training
<ul style="list-style-type: none"> Encouraging involvement in the community Supporting the Big Society agenda Supporting community led enterprise 	<ul style="list-style-type: none"> Making a positive contribution to the community in terms of social, voluntary or other entrepreneurial action
<ul style="list-style-type: none"> Tackling anti-social behaviour and crime Supporting safe and sustainable neighbourhoods 	<ul style="list-style-type: none"> Rewarding good behaviour Troubled Families
<ul style="list-style-type: none"> Making best use of stock Supporting aspirations of tenants Helping tenants to balance income and affordability 	<ul style="list-style-type: none"> Encouraging downsizing
<ul style="list-style-type: none"> Promoting choice Making best use of stock Savings for health and occupational health budgets 	<ul style="list-style-type: none"> Moving on from supported housing or adapted properties which are no longer needed Reducing the use of residential care, avoiding hospital discharge delays

Discharge of homeless duties into the private rented sector

- 2.13 This is a new duty with effect from 9 November 2012. Under the new rules households accepted as homeless will be able to be housed into good quality private rented accommodation of a 12 month minimum let. With the homeless cases able to be housed in the private rented sector this will 'free up' more capacity for social tenants and other high housing need groups. This will mean that potentially other councils can discharge their duty in Torbay if deemed suitable. This may increase demand for housing support services where people meet relevant eligibility criteria including having a local connection with Torbay. The homeless cases will not be penalised but will no longer gain a 'head start' over others in housing need merely by being accepted as being owed a homeless duty by the Council. They will be able to apply for social housing equally with all other applicants but their homeless status will no longer give them an advantage over tenants and other households in urgent housing need.
- 2.14 Homelessness legislation is not changing and will still be a safety net for those vulnerable groups in priority need. The Government's regulations on the suitability of private rented accommodation offered to homeless people has yet to be confirmed.
- 2.15 Where people are housed is important – sending people to other areas can put huge pressure on receiving local authorities as well as being detrimental for families. There is evidence that some councils are increasingly placing people in distant local authorities. The Government's position is that local authorities, when considering the suitability of accommodation for homeless people, should take into account location, particularly distance from the previous home and disruption to

schooling, employment, medical care, amenities and support. This would also help to avoid putting pressure on the authorities that would receive households placed out of area.

- 2.16 This may increase demand for housing support services where people meet relevant eligibility criteria including having a local connection.

Why have these changes taken place?

- 2.17 The way in which we allocate social housing in England presents key challenges for government, local authorities and housing providers. Social housing is a scarce resource with constricted supply and it is not being used as effectively as it could be to meet housing needs: the table below shows the situation in Torbay over the past 6 years

Year	06/07	07/08	08/09	09/10	10/11	11/12
New Affordable housing completions	144	149	119	117	127	35
Number of lets	317	285	303	371	344	371
Social Housing Register numbers	3995	5221	6493 Review Undertaken prior to DHO	2482	3966	3425

Register banding/ need spilt 4/4/2012

Bedroom Need	1	2	3	4	5	6	7	
Band A (Emergency)	1	0	0	2	0	0	0	3
Band B (High)	155	98	37	27	16	4	1	338
Band C (Medium)	223	309	170	70	7	0	0	779
Band D (Low)	626	247	90	36	7	2	0	1008
Band E (No Housing Need)	585	465	236	19	1	0	0	1306
Total of Band	1590	1119	533	154	31	6	1	3434

- 2.18 A needs based approach to allocations has concentrated deprivation in some areas. There is insufficient housing support for low income households (incomes between £12,000 and £25,000, known as in-betweens) who are unable to access social housing and whose housing options are often limited to the private rented sector. Within our register the average income is below £12,000. There is a need for greater mobility in the social housing sector to support aspirations and local economies.

- 2.19 As a result of radical reforms to local housing allowance (LHA), the Localism Act and the Welfare Reform Act, the housing benefit system is entering a period of dramatic change which will include a new 'size criteria' for social housing occupancy and benefit payments delivered under 'Universal Credit'.

- 2.20 Universal Credit will be capped at £26,000 and maximum LHA in all areas has been reduced which could lead to many unaffordable homes and the potential relocation of those in areas where property costs are high to lower cost areas.

What is the Housing Allocation Policy?

2.21 It is the rules the Council sets to decide who gets priority for social housing in Torbay. Social Housing includes properties and any Registered Provider (Housing Association) properties that the Council have nomination rights for. By law, the council has to have an Allocations Policy which must be a public document and kept under review.

2.22 Devon Home Choice is a choice based letting scheme and a partnership between the 10 Devon Local Authorities and Registered Providers working in Devon. The scheme has been in existence since 2010 and the local administration of the scheme transferred from Sanctuary Housing to the local authority Housing Options team in June 2012. This was to ensure that requirements within the localism act could be delivered together with a more effective and comprehensive housing advice service to all those wishing to join the register as a housing option.

2.23 The policy sets out

- How to apply for housing
- Who is eligible for housing
- How applicants will be assessed and prioritised

and has recently undergone a review to take account of the new guidance/changes. All applicants are assessed in the same way, using the rules set out in this policy to ensure fairness and consistency. Whilst all applicants are assessed in the same way, some partner housing associations may have different criteria to let their homes (for example the number of people that can live in a home of particular size etc). Where this is the case any differences will be made available on the Devon Home Choice website.

Aims of Devon Home Choice

2.24 The aims of Devon Home Choice are to provide:

- Choice for people seeking housing and the ability to move within Devon
- A common scheme across Devon that is transparent, easy to understand and accessible to all

2.25 Under Devon Home Choice there is a common:

- Application form
- Housing register
- Approach to assessing housing need and awarding priority
- Approach to advertising available properties

2.26 Local authority and housing association homes available to let will be advertised every week. Households with active applications on the Devon Home Choice

housing register can look at details of the homes. They can then 'bid' for homes that they are eligible for.

2.27 The successful household will be selected from those that applied for a home based on:

- Whether they meet any preferences for particular types of applicant that may have been specified in the advert
- The band in which their application has been placed, which reflects their housing need
- Their band start date within that band

2.28 Devon Home Choice enables people to move within the county. This will greatly help people who need to move to get work or to benefit from support.

2.29 429 homes were let in Torbay between 1 April 2011 and 31 March 2012. Of these:

- 327 (77%) were let to households previously living in Torbay
- 71 were let to households moving in from one of the other 9 Devon local authorities. Of these households, only 1 was reported to not have a local connection to Torbay. The vast majority of these moves into Torbay were from households who had previously lived in local authorities that border Torbay. Moves from Teignbridge, Exeter and South Hams accounted for (89%) of all moves into Torbay from other Devon local authorities.
- 14 (3%) were let to households moving in from outside Devon. None of these households was reported to not have a local connection to Torbay.

88 households moved from Torbay to one of the other nine Devon local authorities between 1 April 2011 and 31 March 2012. Of these, 16 households were reported to have no local connection to the local authority area they moved to. 60% of these moves were either to the South Hams (23 households, 32%) or Teignbridge (20 households, 28%).

Changes to our housing options approach and how we reduce the register numbers

2.30 Most of the people on our Housing Register will never have any chance of being offered a social housing home but this is not made clear by the system. The new enhanced options approach and allocation policy makes it clearer realistically who the council can and cannot house.

2.31 Of around an average of 3,500 households on the Register at any one time (which includes 1,300 assessed as no need), the reality is only 370 (on average) households per year are successful and find suitable accommodation. The introduction of the no need band will better inform expectations, but there will still be significant waiting times (for example, 3 – 5 years for a three-plus bedroom house).

- 2.32 While social housing build has slowed, additional units of extra care housing for older people and, in some instances, other vulnerable groups will be developed over the next three years going some way towards meeting the care and support needs of frail older people. We are also intending to offer specific housing options service for the elderly and those requiring Specialist/accessible (adapted) homes. This will also need to link with the availability and accessibility of Disabled Facilities Grants and any other planned remodelling of Older Persons Services eg Homecare assessments etc. The majority of older people live in the private sector so that will not only reduce the need for residential care, facilitate hospital discharge and promote independence but should also reduce reliance on social housing.
- 2.33 The council could if it wishes make a local priority applicants who have a housing need and who are working and on a very low income and/or households who can, or do, contribute to making Torbay a stronger and more successful place.
- 2.34 Our Allocation Policy is the fundamental 'building block' of sustainable social housing communities. The previous policy/ approach resulted largely in housing people, who although in high housing need, may not work could undermine the Council's objective to create sustainable balanced housing communities. If the Council only house applicants who are not working the balance on the social housing estates between those who work and those on benefits is potentially tilted too far towards benefit dependent households.
- 2.35 However Torbay has recognised high levels of deprivation and child poverty and we need to provide housing that is affordable to encourage social mobility and break the poverty cycles.
- 2.36 The proposed revised Devon Home Choice Policy states Local authorities and landlords will agree locally whether to advertise some homes with a preference to working households or those making a positive community contribution, rather than by providing additional priority in the policy to such households. This could be applied to new local lettings plans for new affordable housing provision.
- 2.37 This could encourage people who can, to work which will contribute to raising levels of aspiration and ambition. This can be achieved through offering increased priority to families and individuals who are working, on apprenticeships but are on a very low income who may never be able to afford to buy a home and for whom renting in the private sector will mean they are hardly better off financially from continuing to work.
- 2.38 The policy can also be used to encourage those who do, or could, make a positive contribution to the local community. Customers who have a need for social housing and are volunteering, working, training, fostering could be helped although the Policy overall would still need to make sure that the majority of homes are let to those in the greatest housing need. Sometimes customers may be less able to do community work because of their age or disability so we would need to take this into account when making decisions.
- 2.39 Positive Community Contribution cases could include the following. These are examples only:
- Those employed on a low income or undertaking training.

- Applicants that can demonstrate a contribution to the local community such as certain types of voluntary work, or who contribute through relevant community groups. This could be specific to the area where a local letting policy is deployed, or could be voluntary work regardless of which part of the community benefits.
- 2.39 Applicant/s that are defined as a Key Worker by the Council - this could be in the health services, social care/ social workers, transport, Community Support officer, members of the Territorial Army or volunteer Fire Officers, etc who need accommodation. Specific roles and income limits may need to be defined and reviewed on a regular basis.
- 2.40 Whilst offering choice to applicants wherever possible, allocation schemes must still ensure that reasonable preference is given to applicants who fall into one of the following groups over those who do not:
- People who are homeless (within the meaning of Part 7 of the 1996 Housing Act as amended by the Homelessness Act 2002). This includes people who are intentionally homeless and those who are not in priority need
 - People who are owed a (homeless) duty by ANY local authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are living in accommodation secured by ANY housing authority under section 192(3). The letter detailing the outcome of a homeless application will specify whether 1 of these sections applies
 - People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
 - People who need to move on medical or welfare grounds including a disability
 - People who need to move to a particular locality in Devon, were failure to move would cause hardship to themselves or others
- 2.41 The Localism Act will allow councils to set their own local reasonable eligibility rules. The following outlines the current rules within Devon Home Choice. The Localism Act 2011 provides local authorities with the power to determine for themselves what classes of persons are, or are not, persons qualifying to be allocated social housing in their areas.
- 2.42 The Localism Act does not change the fact however that certain people from abroad with limited rights to remain in the United Kingdom are not eligible to be allocated social housing. These groups of people are set out in 'The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006' (as amended).
- 2.43 In addition to such people from abroad people assessed by Devon local authorities as being guilty of unacceptable behaviour will continue to be denied the right to register with Devon Home Choice. This will apply where a Devon local authority is satisfied that the applicant, or a member of their household, have been guilty of unacceptable behaviour serious enough to make the applicants unsuitable to be a

tenant and who, in the circumstances at the time their application is considered, are unsuitable to be a tenant because of the unacceptable behaviour. This behaviour must normally have occurred in the previous two years

2.44 Behaviour is unacceptable if it is behaviour that would, if the applicant had been a secure tenant, allow the housing authority to obtain an outright possession order under section 84 of the Housing Act 1985 in relation to Grounds in Part 1 of Schedule 2 other than Ground 8.

2.45 Cases will be considered on an individual basis. The following criteria will be applied in determining whether an individual or household should be denied the right to register with Devon Home Choice, because of their behaviour:

- There must be reliable evidence of violent or anti-social behaviour, domestic, racist or homophobic abuse
- The behaviour need not have led to possession, prosecution or other enforcement action by a statutory agency, provided there is reasonable probability that, had the applicant been a tenant, an outright possession order would have been granted because of that unacceptable behaviour.
- In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer time-scale may be appropriate.
- There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats or there might be a history of repeat offending.

2.46 Households with significant rent arrears that led to a local authority or housing association in the previous 2 years obtaining an outright possession order under section 84 of the Housing Act 1985 in relation to Grounds in Part 1 of Schedule 2 other than Ground 8 will normally be excluded from the Devon Home Choice register.

2.47 Applicants with rent arrears below this level to any social landlord, that were accrued in the previous two years on their current or a previous tenancy, will not normally be offered a property.

2.48 Applicants with rent arrears to any social landlord above £500 will be placed in the No housing need band (E). Both will apply unless there are exceptional circumstances or until:

- They clear their debt, or
- The landlord is satisfied that the applicant is entitled to an amount of benefit sufficient to clear the arrears, or
- The applicant has shown a clear intention to pay. That payments are made in accordance with an agreed repayment schedule during a period of at least 3 months. In exceptional circumstances that period may be reduced with the agreement of the local authority, or

- If there are exceptional circumstances relating to need
- 2.49 Applicants with rent arrears to a private landlord will be considered on a case-by-case basis by Devon local authorities. Applicants who have rent arrears to a private landlord over £500 who have been (or would be) assessed as having accrued these rent arrears intentionally will be placed in the No housing need band (E). 'Intentionally' means that the applicant deliberately did something (or failed to do something) that resulted in the rent arrears.
- 2.50 Household Income: Applicants with a household income more than five times higher than the relevant Local Housing Allowance level prevailing in Devon at the time will normally be considered to be able to meet their housing need, through either renting privately or owner occupation. Such applicants will have their applications placed in the No housing need band (E).
- 2.51 Capital, Savings and Equity: The capital, savings and equity available to an applicant's household will be assessed. If it is determined that, given:
- The applicant's capital, savings and equity
 - The size and composition of the applicant's household
 - The local housing market (for example prices to buy or rent privately) an applicant can resolve their own housing need within their local housing market they will be placed in the No housing need band (E).
- 2.52 Local authorities will not take any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service into account when assessing whether they have sufficient resources to meet their own housing need
- 2.53 If we elect to end our partnership agreement in Devon Home Choice and create a Torbay bespoke allocations process and policy the indicative cost would be £20,500 approx running costs based on a 10th of current, plus we would need to purchase software approx costs of £25000 – £30,000. In addition this would make it more difficult, and complicated, with limited choice for Torbay residents to bid for homes outside of Torbay within Devon.

Nigel Denning
Head of Family Services

Appendices

Appendix 1

Devon Home Choice Policy Review July 2012

Appendix 2

Draft Local Tenancy Scheme

Devon Home Choice Policy Review July 2012

Introduction

The Devon Home Choice Management Board undertook the second annual review of the policy and operation of the scheme. The review was undertaken in light of the Localism Act.

This briefing summarises the decisions that were agreed.

It is anticipated that the changes will be implemented and that the revised policy will come into effect in August. This will be confirmed as soon as possible.

Local authorities will contact those applicants affected by the agreed changes in advance of the revised policy taking effect.

Banding:

- All underoccupiers will have their applications placed in Band B regardless of how many bedrooms they are freeing up. Please note that the Operational Group (4 July) will agree how this will be applied.
- A new Band B category will be introduced for 'Severe overcrowding'. This will include the current Band B categories (lacking 2 bedrooms and 2 children lacking a bedroom), as well as those households assessed as a Category 1 hazard due to overcrowding.
- The Band D reasons of 'Non Stat Homeless' and 'Rough Sleeper/NFA' will be combined and re-named 'No Permanent Home'.
- The banding reasons of Agricultural workers in tied accommodation, Moves for work and Staying access to children will be removed. Existing cases will retain their banding
- The additional banding and waiting times awarded for cumulative need will no longer be given (e.g. applications will not be given 6 months extra time or moved up a band if they have 2 or 3 needs in the same band).
- Devon Home Choice will continue to register Band E households subject to the following:
 - o The application form will be redesigned so that Band E households only need to complete a limited number of questions
 - o Online applications from Band E households will be automatically made active, without any need for housing officers to review/ activate them
 - o The renewal date for Band E households will be automatically set for 3 years in advance. A new folder will be created for Band E applications that have reached their renewal date and have not bid in the previous 6 months. It will then be possible for local authorities to batch close the applications
 - o Band E households will not be included in housing need figures

- Households who need to move to larger accommodation to become foster carers or adopt will have their applications placed in Band B under 'Supporting another priority service' subject to procedures being agreed with Social Services
- People who formerly served in the regular UK armed forces and are in the new Band D category of 'No permanent home' will have their application moved to Band C to reflect the government's forthcoming legislation.
- Priority for housing defects/ hazards will continue to be awarded to households in Band A (e.g. where there is a Prohibition order) and Band B (e.g. where there is a Cat 1 hazard). Procedures will be agreed with the Private Sector Housing Group. Existing social tenants will continue to be excluded from any priority for housing defects/ hazards
- Local authorities and landlords will agree locally whether to advertise some homes with a preference to working households or those making a positive community contribution, rather than by providing additional priority in the policy to such households.
- Local authorities will contact (or at least review) all applicants in Bands A & B every 6 months

Bed Need

- Devon Home Choice will adopt the Government bedroom standard for assessing bedroom need. This will mean that:
 - o Children can share a bedroom up until 10 regardless of sex
 - o Same sex children can share a bedroom up to 20
 - o People require their own room when they are 21

Application form

- The application form will be redesigned so that:
 - o There are an initial set of questions to establish whether the application will fall into one of the reasonable preference groups (Bands A - D), and to make it clear that if not, the application will be placed in Band E
 - o Band E applicants will not need to complete all of the form
 - o The paper application is as easy as possible to understand and complete

Accessible homes

- Accessible homes will continue to be advertised through Devon Home Choice and will only be let using direct match in exceptional circumstances
- Local authorities will complete the missing accessibility need information for applicants in Bands B & C by 1 September, and applicants in Band D by 1 December
- An applicant's accessibility need will be included in both the initial registration and the renewal letter, with a request that applicants make contact if they feel this is wrong
- A business case for a pilot central Occupational Therapy resource will be developed for consideration by the Devon Home Choice Management Board

- Each partner local authority and landlord will identify a named person to lead on accessible homes
- The 6 accessibility categories will be left as they are
- Supporting information will be required before any applicant is assessed as being in need of wheelchair accessible or part wheelchair accessible accommodation
- All landlords will develop and maintain an up-to-date record of accessible/ adapted properties (and those that are adaptable), and report back to the Management Board on progress with this. Where an up-to-date database isn't available landlords will undertake a pre-void inspection before properties are advertised
- Additional fields will be added to the property advert (e.g. to clarify the bathing facilities, whether there is a stairlift etc)
- At least 1 photo must be added to each advert (this relates to all homes and not just accessible homes)
- At the point where a local authority sets an advert as 'Ready to advertise' they can indicate whether they would like to be consulted before an accessible/ adapted property is let. Please note that it was agreed that this is only a request to be consulted and that shortlisting remains the responsibility of the landlord
- If an advert for a wheelchair/part wheelchair accessible property (or one with major adaptations) includes a preference to applicants with a local connection (because the LA is above the 2% limit on cross border moves), but nobody with a local connection has a need for that type of property, preference will then be given to those with a need for that type of property, rather than those with a local connection but no need for that type of property

No local connection to Devon

Applicants who have no local connection to Devon will have their application placed in either:

- The Low housing need band (D) if they are assessed as having a housing need (whether this be high, medium or low need), or
- The No housing need band (E) if they are assessed as having no housing need

However exceptions to this will include where:

- They have been accepted by 1 of the Devon local authorities as statutorily homeless, and local connection has been waived for specific reasons such as the applicant is fleeing domestic violence
- They need to move to Devon to give or receive support where failure to do so would cause hardship
- There are special circumstances such as health or support needs that are only available within Devon
- An applicant has no local connection in any district within the United Kingdom, then they will be deemed to have a local connection to Devon

In such circumstances applicants will be banded in line with the above policy, regardless of the fact that they have no local connection to Devon.

To demonstrate a local connection (defined in Part VII of the Housing Act 1996) with Devon applicants will:

- Normally be resident in Devon. Local Government Association guidelines define this as having resided in the area for six of the last twelve months, or three out of the last five years, where residence has been out of choice. In line with the Housing and Regeneration Act (2008) service personnel who have been based and living in Devon will be considered to have local connection with Devon. Their local connection will be to the local authority area where they are based or where they have been assessed.
- Work in Devon. The Local Government Association guidelines define this as employment other than of a casual nature. For the purposes of this policy this will be defined as having had permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months.
- Have family connections in Devon. The Local Government Association guidelines define this as immediate family members (parents, siblings and non-dependent children) who have themselves lived in the area for five years.

Applicants will be required to provide proof of their local connection to Devon before their banding is assessed.

A number of housing associations with homes in Devon operate across a wider regional or national area. Tenants of such associations may on occasion wish to transfer to Devon from outside the county, but will not meet the local connection criteria (e.g. they do not have a local connection to Devon). In such cases the local connection to Devon criteria shall not be applicable. In such circumstances the tenant will be placed in the band determined by their housing needs, in the same way as applicants with a local connection to Devon. They will then be able to bid for homes in the same way as other applicants.

Similarly the local connection to Devon criteria will not be applied to:

- (a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
- (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

If a home is subject to more specific local connection to Devon criteria however these will still apply to both tenants of partner landlords with no local connection to Devon and members of the armed forces and reserve forces. For example Section 106

planning conditions that mean the home can only be let to someone with a local connection to a specific local area.

Members of the Armed and Reserve Forces

In addition to the local connection provision for members of the armed forces and former service personnel etc (see 3.9.7. above) , Devon Home Choice will take on legislation that is proposed to be introduced in Autumn 2012 relating to members of the armed and reserve forces.

The government propose that all local authorities provide additional preference to the following categories of people who fall within one or more of the reasonable preference categories and who have urgent housing needs:

- (a) former members of the Armed Forces
- (b) serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- (c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- (d) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

Specifically, any household within these categories who is assessed as having 'No permanent home' (within Band D – see 3.7.1 above), will have their application placed in Band C. This will ensure that such households who fall within the reasonable preference groups and have urgent housing needs are provided with additional priority.

It is felt that Devon Home Choice already provides a sufficient level of priority to other households within these categories who have urgent housing needs. For example former members of the armed or reserve forces who are accepted as homeless by one of the Devon local authorities.

Devon Home Choice will also seek to meet the housing needs of serving or former Service personnel as follows:

- Local authorities and landlords will agree locally whether to advertise some homes with a preference to certain groups (see 4.7 below). This could include former members of the armed forces.
- Local authorities will not any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service into account when assessing whether they have sufficient resources to meet their own housing need (see 2.6 above).

Changes to Devon Home Choice

- Changes to the policy will only be implemented once a year, except in exceptional circumstances

- Any agreed changes will have a set date to be implemented
- An agreed approach to applying policy changes will be developed and agreed (for example where the changes will lead to some applications receiving reduced/ increased priority etc)
- Any changes to the policy agreed by the Management Board will only require sign off (by email) by local authorities who did not attend.
- The policy will display a 'from' date so that applicants and partners are sure that they have the most up-to-date version.

Participation in Devon Home Choice

- Local authorities will undertake regular analysis of those applicants in Bands A – C who are not bidding/ logging onto the website, to identify the reasons for this and put in place any appropriate support
- A common short survey form will be developed for applicants in Bands A – C who are not bidding, to enable the results to be collated and analysed

Consultation with customers

- Consultation be carried out on how the quality of adverts affects the bidding for accessible homes (with both applicants and housing staff)

Quality Assurance

- The creation of a central administration team to process and assess all applications will be considered
- A Quality Assurance (QA) process will be developed, focusing on assessment of applications, differences in the proportion of applications in different bands/ categories, shortlisting etc. The Operational Group will take the lead for the QA process
- The implementation of the Health & Wellbeing element of the policy will be reviewed

TORBAY COUNCIL DRAFT LOCAL TENANCY STRATEGY

1. Background

This tenancy strategy fulfils the requirements of the Localism Act (2011) for local authorities to have a tenancy strategy, setting out the matters to which social landlords in the area must have regard when setting their own policies. The Localism Act gives local authorities new powers to ensure that social housing in their areas is meeting need and priorities as identified by the Council. In particular it is important to us that local housing is available for local people. A key aim for the Council is to ensure that more of the social housing in the district is let to those with a strong local connection.

Torbay Council is part of the Devon sub-region and supports the Devon-wide framework for tenancy strategies. The Framework enables local authorities to adopt different approaches where these support local priorities.

The Devon-wide framework was the subject of wide consultation between local authorities, Registered Providers and other interested parties. This draft strategy will also be subject to consultation with Registered Providers working in Torbay and with other interested parties during the autumn 2012. Initial consultation with partners commenced at our Homelessness forum event held end of March 2012

2. Context

2.1 Corporate Priorities

The Localism Act (2011) requires local authorities when preparing their strategies to take into account the council's key corporate priorities including homelessness strategies. This strategy also takes into account the Council's key corporate priorities. These include:

The **Torbay Community Plan 2011+**. A Healthy, Prosperous and Happy Bay identified in the Torbay Community Plan 2011+. The Community Plan has identified improving the economy, responding to the downturn and improving quality of life for the least well off as key challenges.

2.2 Torbay Local Development plan – A Landscape for Success: The Plan for Torbay to 2031

This Plan has five headline aspirations:

- **A better connected, accessible Torbay**
- **Economic recovery and success;**
- **Protect and enhance a superb environment;**
- **Make of the most of opportunities as a result of climate change;**
- **More sustainable communities and better places.**

2.3 Homelessness Priorities

Preventing homelessness and promoting the independence of vulnerable people.

This will be achieved through the following actions:

1. Provide and commission services to prevent homelessness.
2. Help people obtain information and access support services early to prevent homelessness.
3. Ensure that safeguarding of adults and children is an integral part of service delivery, including where they are housed in the private rented sector.
4. Expand on the joint commissioning of services and improve their cost effectiveness by involving people in shaping their services in partnership with user led organisations.
5. Assist those affected by the recession, welfare reforms and unemployment (the wider needs of homelessness).
6. Drive forward improvement to local service delivery that meets changing local need.
7. Ensure housing supply and type plays a key role in recovery and re-ablement supporting people to become, or remain, independent in their own homes..
8. Work in partnership with health and social care commissioners and providers to plan for increased provision of support, care and treatment in community settings and a managed reduction in residential care.
9. Consider the impact of changes in health and social care leading to an increase in care, support and treatment in the community and a planned reduction in the use of residential care.
10. Ensure that 5% of all new affordable homes are fully adapted for wheelchair use.

2.4 Aims of the strategy

Together, these aspirations and priorities set the key overall aims for our tenancy strategy, as set out below.

- Encouraging sufficient range of housing options to support households at different stages in their lives, and with different levels of income, whilst supporting local people to access social and affordable housing where they live;

- Making best use of the available social housing stock, including reducing overcrowding, tackling under-occupation, and making best use of adapted housing for those with a disability;
- Ensuring that vulnerable households are able to access appropriate accommodation and where needed, ensure that accommodation is available for life;
- Maximising choice for applicants, within the available resources, and promoting mobility within social housing and between social housing and other housing tenures.

3. Affordability

The Council has adopted the definition of affordable housing as set out in draft National Planning Policy Framework 'Social Rent, Affordable Rent and Intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.'

The Council recognises that developing associations will be charging affordable rents on new developments and on a proportion of relets. The Council supports the Devon-wide Framework which suggests that the "baseline" maximum rent charged for affordable housing should be no greater than the relevant Local Housing Allowance. The Council would also like to see Registered Providers carrying out an affordability assessment when letting properties at rents which are close to the current Local Housing Allowance, to ensure that the tenancy will be sustainable over time.

4. Disposals

The Council recognises that as part of good asset management, Registered Providers will want, from time to time, to dispose of stock. The Council supports the Devon-wide Framework which encourages Registered Providers who are disposing of stock to consider disposing to other Registered Providers, rather than out of sector. The Council expects Registered Providers to consult with the local authority when considering disposing of stock, so that the Council can assess the impact of the disposal on its ability to meet housing need in the district.

The Council will not support the disposal of the following types of housing without a very strong case being made:

- Larger homes, which are defined as:
 - Three bedroom houses with potential for use as 4 bedroom homes. For example they may have a dining room and living room or they may have three double bedrooms,
 - Larger homes capable of accommodating 6 people or more.
- Properties that may be suitable for 'downsizing' initiatives. See paragraph below on Downsizing and under occupation.
- Properties which have had extensive adaptations (see below for definition)
- Supported or specialist housing.

5. Conversions to Affordable Rent

Torbay Council recognises that the number of conversions has already been determined in agreements between Registered Providers and the Homes and Communities Agency. However, Registered Providers do have some flexibility when considering which specific properties to convert.

Registered Providers should have regard to the following when considering which properties will be re-let at an 'Affordable Rent':

- The pattern of re-lets by location, property size and type.
- The need to ensure that under-occupiers wishing to downsize are not put off by having to pay a higher rent or being given reduced tenancy rights.
- The need to ensure a reasonable supply of family-sized accommodation at social rents.
- The need to ensure that a reasonable supply of properties can be let to those working in the area with low incomes.
- The shortage of wheelchair accessible accommodation.

The Council expects to be consulted over criteria for conversion or the overall approach being taken by the Registered Provider, rather than being consulted over each individual conversion.

The Council understands that the Homes and Communities Agency has indicated that it may be willing to allow Registered Providers to let properties suitable for down-sizers at social rents, even where they are new properties built under the National Affordable Housing Programme. The Council strongly encourages Registered Providers to consider this option where a property has been built to be attractive to those down-sizing and where the rent differential would be off-putting. The Council understands that one or more additional relets would then need to be let at affordable rents in order to deliver the overall rental income required.

Registered providers are reminded that they can offer properties let at social rent on flexible tenancies where this supports the aims of this tenancy strategy e.g. offering a larger property on a "fixed term tenancy" in order to minimise future under-occupation. Similarly they may offer an assured tenancy on a property let at affordable rents.

6. Type of tenancy to be granted

The Council expects landlords to offer tenancies in line with the new tenancy standards i.e. "tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community and the efficient use of their housing stock"

The Council acknowledges that landlords will continue to offer a range of tenancy types for different circumstances. However, the Council strongly encourages landlords to offer flexible tenancies where this will help to make best use of the stock. In particular, the Council expects landlords to offer flexible tenancies on larger properties (3 bedroom and above) to ensure that in future, if a household is

under-occupying the property, they can be supported to move on and the property offered to a family needing that larger accommodation. Similarly, the Council expects landlords to offer flexible tenancies on properties which have been significantly adapted for use by someone with a disability, so that if in future the person who needs those adaptations is no longer living there, the remaining family can be moved to alternative accommodation and the property offered to someone who needs those adaptations.

In addition, when deciding on which tenancy type to offer, landlords should consider:

- The age and frailty of the prospective tenant.
- The vulnerability of the prospective tenant and their household.

The Localism Act offers limited protection for existing tenants who are transferring to new properties let at affordable rents. The Council would like to see Registered Providers offering a tenancy which is as close as possible to the existing tenancy of a transferring tenant, where this does not conflict with the statements above. In particular, tenants who are down-sizing should be offered a tenancy (and ideally a rent level) which incentivizes the move.

The Localism Act also changes the right of succession for new tenancies, with opportunities for landlords to offer additional rights through the tenancy agreement. The Council asks landlords who are considering offering additional succession rights to be mindful of the arguments for flexible tenancies and to avoid creating rights which might hinder making best use of stock.

The Council expects landlords who offer introductory tenancies to continue to do so.

7. Minimum length of tenancy

The legislation states that 5 years should normally be the minimum term for a flexible tenancy. Landlords are discouraged from offering a longer tenancy term. A shorter tenancy period can be given in exceptional circumstances; the Council would expect any landlord considering offering a tenancy period of less than 5 years to discuss this with the Council before making a final decision.

Where a landlord offers an introductory tenancy, it is anticipated that the flexible tenancy would be offered upon successful completion of the introductory tenancy, normally one year.

8. Mobility

The Council is keen to promote mobility within social housing, and expects landlords to actively promote schemes to facilitate mutual exchange. Landlords will need to be aware of the provisions within the legislation for affecting mutual exchange between tenants with different tenancy types and to ensure that their policies reflect these requirements.

9. Circumstances in which a tenancy might not be renewed

The Council expects that the vast majority of flexible tenancies will be renewed upon review following an appropriate sensitive assessment..

There are two different circumstances in which a flexible tenancy would not be renewed. The first is where the property is no longer suitable, in which case the landlord would be expected to facilitate an offer of alternative accommodation. The second is where the household circumstances have changed and no offer of alternative accommodation is being made.

Circumstances in which the Council expects that the tenancy is not renewed but where an alternative offer will be made are:

- Size: Tenancies should not normally be granted for properties that are significantly larger than the household requires unless set out in Local Lettings Policies. Exceptions might include examples such as where it is necessary to accommodate a full or part-time live-in carer, to enable access to dependent children where care is shared or to limit occupation because of local housing management issues. Any under-occupation should have regard to local housing market conditions; examples might include remoter rural settlements.
- Extensive Adaptations: Tenancies should not be renewed if the properties include the provision of extensive adaptations that are no longer required by anyone living in the household

Circumstances in which the Council expects the tenancy not to be renewed and no offer of alternative accommodation to be made are:

- Income: Tenancies should not be granted if the income of the household is above the income limit as set out in Devon Home Choice policy, or a local limit set by the Local Housing Authority. The Registered Provider may choose to encourage the household to remain in the property but on different terms eg paying full market rent, part or full owner
- Possession Proceedings: If breach of tenancy conditions is to be used as a ground for non-renewal of the tenancy it is expected that Registered Providers will have already started possession proceedings. This will help demonstrate that the Registered Providers believe that the decision not to renew is proportionate and in pursuit of a legitimate claim. We expect Registered Providers to have looked at all the options i.e. exhausted other remedies before withholding the renewal of a tenancy on these grounds.

The Council asks Registered Providers to notify the Housing Options Service where a tenancy is being brought to an end and no alternative accommodation is being offered. A protocol for the notification process is in place.

10. Tenancy management, sustainment and tackling tenancy fraud

The Council expects all Registered Providers to work proactively to manage and sustain tenancies. This should include regular contact with the tenant, regardless of tenancy type. For those on flexible tenancies this contact should be at least annually and should include a reminder of the tenancy end date and the grounds for not renewing the tenancy. The Council also expects Registered Providers to adhere to other protocols as agreed, for example the pre-eviction protocol.

The Council expects landlords to take reasonable precautions to tackle tenancy fraud, incorporating some form of check into tenancy sign-up and subsequent regular contact.

11. Equality impact assessment

Approach to be agreed. This could involve Torbay's user led groups.

12. Reviewing this policy

It is intended to review this strategy as part of the future reviews of our Allocation Policy and the Choice Based Lettings approach, in the light of information about the impact it is having and any specific areas in which difficulties have arisen. A more fundamental review will be carried out by April 2020 at the latest. This period has been suggested as it is unlikely that many flexible tenancies will have been brought to an end by then and advice and assistance offered.

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Review of Allocations Policy and Local Tenancy Strategy
Name (Key Officer/Author):	Julie Sharland Housing/ Children's Services
Position:	Strategic Housing Manager 01803 208065
Date:	8 th November 2012 Julie.sharland@torbay.gov.uk

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – 'A Proportionate Approach'

Not all of the proposals or strategies we put forward will be 'relevant' in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer 'yes' to any of the questions below you must complete a full EIA.

	Does this report relate to a key decision?	Yes	No
1)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following:	Yes	No
2)	<ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, 'knock-on' effects for other business units, our reputation, finances, legal obligations or service provision) 	Yes	No

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p><i>Outline exactly what the proposal is / whether there is any change including reasons for the change. List the key objectives of the proposal/strategy.</i></p> <p>The Localism Act 2011 and the statutory guidance on allocation of accommodation (June 2012) require a review of our existing allocations policy (Devon Home Choice) and the publication of a Local Tenancy Strategy (new requirement). The Allocations Policy and Local Tenancy Strategy only relate to Social Housing/ Landlords.</p> <p>The aim is to ensure we locally shape our approach to allocations, manage waiting lists and make use of tenancies.</p> <p><i>To provide background information, highlight changes to current Allocations Policy(statutory requirement) and publish a Local tenancy strategy that reflects, local need.</i></p> <p><i>To make Recommendations in relation to the continuation of the current policy pending completion of future annual reviews.</i></p> <p>Reasons for changes – refer to section 3</p>
2.	Who is intended to benefit / who will be affected?	<p><i>Who are the key stakeholders / which individuals / specific groups may benefit from the proposal or who will be most affected?</i></p> <p>Torbay's residents, especially those assessed as eligible and waiting for social housing, Devon Local Authorities and local Social Housing Landlords</p>

No	Question	Details
3.	What is the intended outcome?	<p><i>It is important to identify the specific outcomes that this proposal intends to deliver.</i></p> <p>To meet the requirements of the Localism Act 2011, specifically the social housing reform, revised allocations guidance and the new requirement to publish a Local Tenancy Strategy</p> <p>To ensure we maximise the use of social housing stock to :</p> <ul style="list-style-type: none"> • Meet housing need and demand locally • Contributes to wider community objectives, such as health, education, employment and enterprise • Reflects social, economic and household requirements which may arise out of the welfare reform.

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>Consider data and research already available locally and nationally. Your assessment should be under-pinned by up-to-date and reliable information about the different groups the proposal is likely to affect. For instance, population profile, satisfaction data, deprivation statistics and how this helps to build a picture around your proposal.</p> <p>Yes, Housing Register information which provides information on demand needs of different groups, deprivation and child poverty needs assessments, homeless strategy needs and priorities. Satisfaction surveys conducted on a regular basis for Devon Home Choice.</p>
5. O	How have you consulted on the proposal?	<p>Have you carried out any consultation on your proposal and if so how? Focus groups / survey / events? Remember that it may be important to also consult on any alternative options. Also include who you have consulted with and if applicable which specific groups you have consulted with (i.e. groups who may be specifically affected by your proposal, specific equality or hard to reach groups).</p> <p>The Local Tenancy Strategy (and Devon Framework) will be assessed once it has been implemented for a period of time to enable sufficient data to be available.</p> <p>Allocations Policy, and Local Tenancy Strategy have completed 3 months of internal and external consultation with various partners and groups representing vulnerable and hard to reach groups.</p>
6.	Outline the key findings	<p>Include feedback on your proposal including where you have consulted on any alternative options. Also include response rates, number of attendees to events / focus groups, outline of specific interest groups consulted. Use bullet points to</p>

No	Question	Details
		<p>summarise the key conclusions. All consultation specific to Torbay is not available as conducted across all Devon partners. Focus groups locally range from 10 – 30 individuals. Full member consultation has taken place feedback has informed the context to the report and see below for main change to recommendation.</p>
7.	<p>What amendments may be required as a result of the consultation?</p>	<p><i>Has feedback from the consultation and engagement process identified any changes required to the proposal? Have you had to alter your decision and look at alternative options?</i></p> <ul style="list-style-type: none"> - Yes , the original draft in relation to “ The proposed revised Devon Home Choice Policy states Local authorities and landlords will agree locally whether to advertise some homes with a preference to working households or those making a positive community contribution, rather than by providing additional priority in the policy to such households. “ suggested that a local panel could be used to identify an additional eligibility criteria and preference. - <i>Due to the small number of available re – lets that this could be applied to it was felt not to be realistic or viable at this time.</i> - <i>Annual reviews of Devon Home Choice will be taken into account regarding any future changes</i>

Positive and Negative Equality Impacts

No	Question	Details		
8.	Identify the potential positive and negative impacts on specific groups	<i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the 'neutral' column to explain why.</i>		
		Positive Impact	Negative Impact	Neutral Impact
	All groups in society generally	Yes		
	Older or younger people	Yes		
	People with caring responsibilities	Yes		
	People with a disability	Yes		
	Women or men	Yes		
	People who are black or from a minority ethnic background (BME)	(please note Gypsies / Roma are within this community)		
	Religion or belief (including lack of belief)			
	People who are lesbian, gay or bisexual			
	People who are transgendered			
	People who are in a marriage or civil partnership			
	Women who are pregnant / on maternity leave			
9.	Is there scope for your proposal to eliminate	<i>The council is committed to ensuring that we meet the diverse needs of our community. As part of the Equality Act there is a general duty as well as our moral obligation where we are required to have 'due regard' to eliminating unlawful</i>		

No	Question	Details
	discrimination, promote equality of opportunity and / or foster good relations?	discrimination, advancing equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Outline how your proposal meets the general duty. Yes see below Equal Opportunities Devon Home Choice Policy

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	Outline any positive impacts that you have identified relating to equalities and how these impacts will be realised most effectively. What ways can the positive impacts be maximised? Use the action plan (after section 5) to outline actions, responsible officers and timescales. Future reviews
11.	Summarise any negative impacts and how these will be managed?	Outline any negative impacts that you have identified relating to equalities and how these impacts will be managed / monitored so that they are reduced / eliminated or mitigated. What ways can the negative impact be minimised? Use the action plan (after section 5) to outline actions, responsible officers and timescales. N/A

Section 4: Course of Action

No	Action	Details
12.	<p>State a course of action</p> <p>[please refer to action after section 5]</p>	<p>Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes below and justify reasons for your decision - If '3' please provide full justification :</p> <p>Where: -</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p>Devon Home Choice – Allocations Policy – See below for full details within the policy</p> <p>Planned review of Local tenancy strategy at appropriate time</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	<p>Outline plans to monitor the actual impact of your proposals</p>	<p>The full impact of decisions will only be known once it is introduced. Identify arrangements for reviewing the actual impact of proposals once they have been implemented. Please also use the action plan below.</p> <p>Devon Home Choice – Allocations Policy – See below for full details within the policy</p> <p>Planned review of Local tenancy strategy at appropriate time</p>

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Equal opportunities: Ensuring access to Devon Home Choice for all

There are many benefits of Devon Home Choice to people seeking a home, but it does require them to be proactive. People need to:

- Find information on available homes
- Choose between homes
- Bid for homes

Evidence from some of the early Choice Based Letting schemes found that vulnerable applicants (for example older people or people with mental health problems) could lose out.

A range of people may be vulnerable and need support to participate in Devon Home Choice. Vulnerability can be a variable state, and can occur at particular points in life such as bereavement. It can be temporary, or episodic and recurring due, for example, to mental distress. Or it can be ongoing or can increase over time.

For this reason every applicant will be considered as an individual. Their needs will be assessed so as to identify the barriers they may face in participating in Devon Home Choice. Having identified the barriers we will then be able to put solutions in place. The potential barriers are set out in Appendix 3.

A range of measures have been put in place to ensure that everyone can share in the benefits that Devon Home Choice offers, and that applicants who are vulnerable do not miss out. These measures are set out throughout this Policy.

Due to the high demand for housing in Devon, we can only ensure fair access to Devon Home Choice. Even though some applicants may be classed as 'vulnerable' and need support to participate in Devon Home Choice, this will not necessarily reflect a high level of current housing need. Therefore, in reality, they may not have a high chance of securing a home.

Devon Home Choice must comply with the Equality Act 2010 (which consolidates a number of previous Acts and Regulations), as well as the the Human Rights Act 1998, the Freedom of Information Act 2000 and the Data Protection Act 1998

An Equalities Impact Assessment was undertaken on the initial Devon Home Choice policy . A further Equalities Impact Assessment will be undertaken on the revised policy once its has been adopted by the 10 Devon local authorities.

Each of the organisations involved in the Devon Home Choice Partnership has an Equal Opportunities Policy to ensure that:

- Everyone has equal access to services
- No one is discriminated against on the grounds of ethnic origin, disability, age, gender, sexual orientation, religion, or for any other reason

Information on ethnicity is asked for as part of the allocation process. This will be used to monitor diversity and equality in the operation of the policy. Information on disability is collected in order that future needs for adapted homes can be assessed and that any home offered is suitable for the needs of the applicant.

Any allegations or concerns that an organisation has not acted appropriately have to be made directly to that organisation.

All partner landlords have a complaints policy and an independent Ombudsman.

The following sections set out:

- How to apply for housing
- How applications will be assessed
- How properties will be advertised
- How applicants can bid for available properties
- How the successful applicants will be identified

Effective monitoring is in place and will be regularly reviewed to ensure that Devon Home Choice is accessible, and is working as fairly and effectively as possible.

The monitoring system includes information on:

- The participation and outcomes for vulnerable groups
- The number of applicants stating that they wish to be supported (for example with completing the application form or with bidding), why, and how this support was provided
- Applicants who have been awarded a high priority (for example Emergency, High or Medium Housing Needs Bands) but haven't been bidding or haven't been bidding effectively. This will be followed up to assess the reasons why and whether any additional support is required
- How applicants have accessed information on available homes
- How applicants have bid for homes

- How long applicants who have been accepted as statutorily homeless take to move into permanent accommodation
- The number of applicants who have been bypassed or refused by partner landlords, and the reasons for these decisions
- The occasions when, and reasons why local authorities have used their residual discretion to depart from of the Policy due to exceptional circumstances
- The number and type of homes diverted by partner landlords for lettings outside Devon Home Choice, and the reasons for this

A range of questions have been included on the application form that will enable equal opportunities monitoring. This information will help reveal whether there are certain groups within the community who are not accessing information about Devon Home Choice and not participating in the scheme.

As with any monitoring it will only serve a purpose if the results are used effectively to develop and further improve Devon Home Choice to ensure that applicants who are vulnerable do not lose out.

Similarly good practice from other schemes and guidance from central government will be incorporated into Devon Home Choice.

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Conduct review of Local Tenancy Strategy – when sufficient time/evidence available eg. Movement of tenancies	To assess impact of flexible tenancies, and use of social housing stock	Officer time	Local Authority officer/ member decision	To be decided prior to 2020
2	Annual review of Devon Home Choice – Allocation Policy	To assess impact of localism Act changes , new allocations guidance and future requirements of the 10 local Authority partners	DHC management group, Officer time	DHC management group, Individual Local Authority. Member decision	By end of 2013
B					
4					
5					